

3 DECEMBER 1946

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of  
WITNESSES

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|---------------------|----------------------|---------------------|---|-----------------------|------------------------|
| 823B(1)             | 1284                 |                     | Foreign Office Announcements<br>1940 (Excerpt from exhibit<br>No. 777 for Identifi-<br>cation)<br>April 15, 1940: Foreign<br>Minister ARITA Replies to<br>Newspaperman on the<br>Question of the Netherlands<br>East Indies                 |                       | 11671                  |
| 823B(2)             | 1285                 |                     | Foreign Office Announcements<br>1940 (Further excerpt from<br>exhibit No. 777 for<br>Identification)<br>May 11, 1940: Statement of<br>the Foreign Office Spokesman<br>re the Maintenance of Status<br>Quo of the Netherlands East<br>Indies |                       | 11674                  |

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| 823B(3)             | 1286                 |                     | Foreign Office Announcements<br>1940 (Excerpt from exhibit<br>No. 777 for Identifi-<br>cation)<br>May 13, 1940: Statement of<br>the Foreign Office Spokesman<br>re the Netherlands East<br>Indies |                       | 11676                  |
| 220N                | 1287                 |                     | Press Release issued by the<br>Department of State on 11<br>May, 1940   |                       | 11679                  |
| 220P                | 1288                 |                     | Excerpts from Memorandum by<br>the Secretary of State in<br>Washington, dated 16 May<br>1940  |                       | 11680                  |
| 220M                | 1289                 |                     | Excerpt from Telegram from<br>the United States Ambassador<br>in the Soviet Union to the<br>United States Secretary of<br>State, dated 24 March 1941  |                       | 11686                  |
| 487                 | 1290                 |                     | Book entitled: "Addresses to<br>Young Men" by the Accused<br>HASHIMOTO  | 11689                 |                        |
| 487B                | 1290A                |                     | Excerpt therefrom   |                       | 11689                  |
| 1644                | 1291                 |                     | Statement of the Imperial<br>Japanese Government re<br>the Future of East Asia,<br>dated 3 November 1938  |                       | 11695                  |

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| 1632FF              | 1294                 |                     | Entry from Marquis KIDO's Diary dated 27 June 1940 (Exhibit 178 previously marked for Identification)                                      |                       | 11708                  |
| 1632GG              | 1295                 |                     | Entry from Marquis KIDO's Diary dated 1 July 1940 (Exhibit 178 previously marked for Identification)                                       |                       | 11710                  |
| 22OT                | 1296                 |                     | Oral Statement by the Japanese Minister for Foreign Affairs to the United States Ambassador to Japan on 28 June 1940                       |                       | 11711                  |
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| 587                 | 1299                 |                     | Article by OSHIMA, Hiroshi,<br>Lt. General, former<br>Ambassador to Germany,<br>appearing in 27 October<br>1940 edition of YOMIURI<br>Newspaper | 11728                 |                        |
| 587-A               | 1299-A               |                     | Excerpt therefrom   |                       | 11734                  |
| 1204E               | 1300                 |                     | Address of Mr. Yosuke<br>MATSUOKA, Minister for<br>Foreign Affairs at the<br>76th Session of the Im-<br>perial Diet dated 21 January<br>1941    |                       | 11740                  |
| 2748A               | 1301                 |                     | Certificate from the Japan-<br>ese Foreign Office certifying<br>prosecution documents 2748A(1)<br>to 2748A(20)                                  |                       | 11742                  |
| 2748A (11)          | 1302                 |                     | Telegram from Foreign<br>Minister MATSUOKA to the<br>Japanese Delegate YOSHIZAWA<br>in Batavia dated 28 January<br>1941                         |                       | 11742                  |
| 1632W(47)           | 1303                 |                     | Entry from Marquis KIDO's<br>Diary dated 1 February<br>1941 (Exhibit 178 previously<br>marked for Identification)                               |                       | 11743                  |
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| 2137F                     | 1305                       |                           | Decision by Imperial Headquarters in April 1941<br>(Exhibit 540 previously<br>marked for Identification)              |                             | 11751                        |
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1 Tuesday, 3 December, 1946

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as  
15 before with the addition of: MRS. C. R. STROOKER,  
16 Member of the Netherlands Division.

17 For the Defense Section, same as before.

18 The Accused:

19 All present except OKAWA, Shumei, who is  
20 represented by his counsel.

21 - - -

22 (English to Japanese and Japanese  
23 to English interpretation was made by the  
24 Language Section, IMTFE.)  
25

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Captain Brooks.

4 The amendments of the transcript sought  
5 by Major Blakeney and Captain Brooks, having been  
6 found to be in order, will be made. The same applies  
7 to amendments sought by Mr. Brannon.

8 Captain Brooks.

9 - - - -

10 ARTHUR SEAFORTH BLACKBURN,  
11 called as a witness on behalf of the prosecu-  
12 tion, resumed the stand and testified as follows:

13 CROSS-EXAMINATION (Continued)

14 BY MR. BROOKS:

15 Q Now, Brigadier, at the close of yesterday's  
16 session we started to discuss the principles of  
17 Bushido and its warriors' moral code. Based on your  
18 readings, would you say that this warriors' moral  
19 code outlined the proper conduct for military forces?

20 THE PRESIDENT: The question is whether the  
21 Japanese observed the rules of warfare; in other words,  
22 whether they committed the offenses specified in the  
23 Indictment. Bushido has no bearing.

24 MR. BROOKS: The purpose, your Honor, of my  
25 questioning on that was to show that although the

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1 Japanese were not bound necessarily by the Geneva  
2 Convention, that the teachings of Bushido were based  
3 upon the teachings of Confucius; and in the abstract  
4 sense comprise the essential qualities of the cus-  
5 toms of war and the principles of the Geneva Conven-  
6 tion.

7 THE PRESIDENT: If Bushido is identical  
8 with the rules of warfare, why not confine your  
9 questions as to whether the rules of warfare were  
10 observed. We certainly have no interest in discover-  
11 ing whether Bushido is identical with the rules of  
12 warfare.

13 MR. BROOKS: I thought it would be wise to  
14 bring out that if there was such a principle and  
15 it was just -- whether it was observed or not would  
16 be another thing. It was a code, though, of some  
17 type for them to follow; it may explain some things.  
18 It might explain some of the statements of these  
19 officers when they said they were applying the prin-  
20 ciples of Bushido. It would be wise to know what they  
21 were; whether they were or not is another question.

22 THE PRESIDENT: Well, Bushido was mentioned  
23 to him by the Japanese. He has read a book on  
24 Bushido, but he disclaims any knowledge of it, as I  
25 understand. In any event, it is not in issue, nor is

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1 it relevant to any issue. So we will not hear  
2 any more about it.

3 BY MR. BROOKS (Continued):

4 Q Now, Brigadier, in these areas -- you say  
5 there were certain areas to be set aside and that  
6 the men were to be shot if found outside of said  
7 areas. It is a custom in handling prisoners of war  
8 to set down certain restrictions, is it not?

9 A That happened in Java, and in my opinion  
10 it was a perfectly proper thing to do; and in the  
11 circumstances would be the only thing to do where  
12 they were unable to put us behind barbed wire at  
13 the time.

14 Q Now, Brigadier, on this question of the  
15 camp conditions in Mukden, you said they were the  
16 best during the period of your confinement -- Manchuria,  
17 I mean, up in the Manchurian Camp. Was there any  
18 outstanding examples there of proper treatment by  
19 camp commanders or guards that you would cite that  
20 would be worthy of praise?

21 A Yes. On the general conditions of that  
22 camp the following points emerged: first, the  
23 sentries were in general kept on the outside perimeter  
24 of the wire and were not made frequently to parade  
25 through our quarters; secondly, for the first few

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1 few months, we were not compelled to salute all  
2 Japanese sentries; thirdly, the camp had a build-  
3 ing constructed as a hospital, which was handed  
4 over to us; and, if I may summarize it by saying  
5 that for the first few months, the attitude of  
6 the officers in that camp towards us was dignified.

7 Q Now, Brigadier, during your period of stay  
8 in these various camps, did you ever receive any  
9 copies of the rules for the care of prisoners of  
10 war or become familiar with any of the Japanese  
11 rules for the care of prisoners of war?

12 A Do you mean written rules?

13 Q I am not talking about local rules necessarily.  
14 I am talking about the general rules for the conduct --

15 A Do you mean written rules?

16 Q Yes.

17 A I received a two-page list of offenses  
18 and the punishments which would be incurred for any  
19 of those offenses -- if that is what you mean, if  
20 that covers what you mean

21 Q That isn't exactly what I mean. That is  
22 more what I would term as a local rule, applying  
23 to local circumstances, though it may have been in  
24 general terms. What I have in mind are rules as  
25 to the administration of prisoners by the Japanese



1 such as in the Japanese Army regulations, a pro-  
2 hibition forbidding the beating of prisoners, telling  
3 how they would be fed and so forth. Have you ever  
4 seen any code like that?

5 A No, I don't recollect ever receiving any  
6 such written series of rules of conduct or procedure.

7 Q Did you ever see any of the Japanese Army  
8 regulations that have been translated into English  
9 dealing with the care of prisoners?

10 A Again, only this two-page list of what we  
11 must not do and the punishments if we did do it.

12 Q You know, though, however, that there were  
13 certain Japanese laws and orders regarding the care  
14 of prisoners of war in written form, do you not?

15 A I assume that there must have been, but the  
16 nearest I ever got to seeing it was that Lieutenant  
17 SONIE in the Batavia Camp quoted to me once from a  
18 book which he had in front of him on a question of  
19 discipline.

20 Q Then would you say that the Japanese guards  
21 and officers -- that it would depend upon their in-  
22 terpretation of their power or authority, under these  
23 rules regarding the conduct and care of the prisoners  
24 that they would give?

25 THE PRESIDENT: Captain Brooks, unless you



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1 resort to short, clear questions, the translations  
2 will take most of our time.

3 Q Brigadier, would you say that some of these  
4 guards and officers observed the rules and laws  
5 more by the breach than the observance? This  
6 would not apply to all of them.

7 THE PRESIDENT: Well, I do not know whether  
8 the witness understands what you are driving at,  
9 but none of us does. Are you suggesting that Tokyo  
10 distributed the Geneva Conventions relating to  
11 prisoners among the Japanese, but the local Japanese  
12 put their own construction on them?

13 MR. BROOKS: I am suggesting that the  
14 commanders in the field had a broad authority of  
15 interpretation of general principles laid down and  
16 are supposed to follow that.

17 THE PRESIDENT: Brigadier, tell us what you  
18 know about that, will you?

19 THE WITNESS: Do you mean the rules of the  
20 Geneva Convention were more --

21 MR. BROOKS: No, at that time I was talking  
22 more about the Japanese laws and orders for the  
23 conduct of prisoners. I withdraw the question.

24 Q You have testified as to the certain conditions  
25 being better, and, therefore, I would like to ask if

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1 the care and the punishment of the prisoners really  
2 depended on the disposition, attitude and interpre-  
3 tation or disregard for prisoner of war rules by  
4 the guard or the officer in charge?

5 A I can only say that the only time there  
6 was any marked improvement was the first few months  
7 in Manchuria, and on the way there we were informed  
8 by a Japanese captain that we were going to receive  
9 better treatment because there had been a change of  
10 policy from the government in Tokyo; and those  
11 better conditions lasted from October, 1944, to  
12 February, 1945.

13 Q What was the date that this Japanese  
14 captain told you that there would be a change in  
15 policy?

16 A Between the 1st and the 5th of October,  
17 1944, in Beppu.

18 Q Did he say there was to be a change of  
19 policy or that there had been a change of policy at  
20 that time?

21 A He said there had been a change of policy  
22 and that was the reason we were receiving -- then  
23 we had just started the first few days to receive  
24 better treatment.

25 Q Did he say whether it had any connection with

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1 the Cabinet change in July of 1944 of that year?

2 A He did not say so, and at that time I did  
3 not know there had been that change in the government.

4 Q Do you recall what this Japanese captain's  
5 name was?

6 A No, but he was the captain in charge of the  
7 section of military police which took charge of us  
8 the day we arrived in Beppu. We were there for  
9 five days.

10 Q Where was his headquarters at that time,  
11 Brigadier? Where was the headquarters of this  
12 captain?

13 A We were taken to a comfortable, clean --

14 Q No.

15 A I am trying to explain this -- to a comfortable,  
16 clean Japanese hotel in Beppu. He and his men then  
17 took charge of us, and he occupied one of the rooms  
18 alongside us.

19 Q Was there any number designating his unit,  
20 any way we could locate that man, any other infor-  
21 mation you can give?

22 A I can give you no name or number, but he  
23 talked English and was in charge of the generals'  
24 group in Beppu between those days -- the police in  
25 charge of the generals' group in Beppu in those days.

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1 Q Now, Brigadier, you have stated something  
2 about the taking of the buttons off your clothes.  
3 Wasn't the buttons taken off of all prisoners clothes  
4 and also shoestrings and belts removed, for security  
5 purposes?

6 A No, that is the only occasion I have known  
7 that happen.

8 Q You are not familiar that there is a Japanese  
9 regulation covering the removal of such articles?

10 A No.

11 Q Now, you testified that there were, I believe,  
12 350 grams of foodstuff, approximately, given to you  
13 in your ration.

14 A Would you--

15 Q I may have been mistaken, but I understood  
16 you had testified that there were 350 grams of foodstuff  
17 in your day's ration; is that correct or not?

18 A I think what I said was that on one occasion  
19 the basic food ration was reduced to 375 grams per  
20 officer.

21 Q Do you know that at that time that the food  
22 gram allowance in Japan was 300 grams, and that today  
23 it is only 350?

24 THE PRESIDENT: What was the Japanese food  
25 scale at that time?

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THE WITNESS: I do not know, but our ration prior to this reduction had been between 550 and 600.

THE PRESIDENT: What bearing has the Japanese ration here in Tokyo today got on these issues?

MR. BROOKS: That in determining what is sufficient we have to determine whether we are talking of the quantity of food or bulk, or the calorie content, if any. In using those terms loosely they are very misleading, because even a full calorie content of food for the Japanese might not be sufficient in the quality or in the quantity or the type that a man is accustomed to and could still be said to be insufficient.

THE PRESIDENT: Now, the Japanese, as the Brigadier says, set their own standard. They may have been entitled to do so within their own limits, and they fixed it between 500 and 600. So the ration today in Tokyo has no bearing on the issue.

MR. BROOKS: Except in comparison, your Honor.

We understand that the conventions do not provide that the Japanese were under duty to provide a better or a higher standard, but similar to what they had for their own people in food.

THE PRESIDENT: Nobody said anything about that. I said that the Japanese set the standard and they didn't follow it. I have said that three times now. You are



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1 not listening, apparently.

2 MR. BROOKS: Of course, if they have the  
3 power to set it, your Honor, they have the power to  
4 change it, I would think.

5 Q Now, Mr. Witness, on this oath that you were  
6 required to sign, this was not an oath of allegiance,  
7 was it?

8 A Are you referring to the first one in Batavia,  
9 or the one in Formosa?

10 Q Either one of them.

11 A In no sense was it an oath of allegiance to  
12 Japan.

13 Q Then it was really only an oath of obedience  
14 to carry out your duties efficiently and to do nothing  
15 detrimental to the administration of that particular  
16 officer. It didn't contemplate anything that would  
17 interfere with your allegiance to your country.

18 THE PRESIDENT: Now, that is argument.

19 Q In both instances, I mean. It wasn't an oath  
20 of allegiance--

21 THE PRESIDENT: Captain Brooks.

22 MR. BROOKS: Sir?

23 THE PRESIDENT: You heard me speak; and you  
24 respect me when I do.

25 I said you were arguing with the witness. He

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1 told you what the oath was and why he objected to  
2 signing it.

3 MR. BROOKS: Will the reporter read back what  
4 the witness told me that the oath was? I didn't  
5 catch it, if he did.

6 (Whereupon, the answer was read by  
7 the official court reporter as follows:

8 "A In no sense was it an oath of  
9 allegiance to Japan.")

10 Q Well, the question that I would like to ask,  
11 Mr. Witness, if this oath of obedience was a customary  
12 procedure with the military government and was nothing  
13 that would be in the sense of a prohibitive oath that  
14 is provided by the convention that allegiance or  
15 anything interfering with your allegiance was not  
16 provided to be signed.

17 MR. JUSTICE HANSFIELD: I object, if this  
18 Tribunal pleases, on the ground that it is a matter for  
19 this Tribunal as to whether it was in conflict with the  
20 Geneva Convention. The witness has given evidence in  
21 chief of what the contents of the oath actually were.

22 THE PRESIDENT: Objection upheld.

23 MR. BROOKS: I would have liked to state to  
24 the Court that the man is a barrister and a brigadier  
25 and should know how to advise these people. But we will



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1 drop that.

2 THE PRESIDENT: You must know that even a  
3 barrister or a brigadier cannot take over the Court's  
4 functions and decide questions that the Court must  
5 decide.

6 MR. BROOKS: I was thinking, your Honor, not  
7 in the light of today, as being today, but he did have  
8 to make his decision at that time and what his basis  
9 was for it.

10 Q Now, Brigadier, do you know of any other camp  
11 commanders in these various theatres that you were in  
12 who were praised instead of accused by former prisoners  
13 and where the few acts of brutality were severely  
14 punished?

15 A I know of no such cases within my own per-  
16 sonal knowledge.

17 Q Then, these instances of ill-treatment, would  
18 you say, were individual acts of individual responsi-  
19 bility, not following out an order of any kind; or do  
20 you know of any order that such men would be working  
21 under in such treatment?

22 A I have said already that certain junior  
23 officers told us that they regretted the acts of bru-  
24 tality but had no power to control them because it was  
25 under orders. But I don't imagine for a moment that

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1 each individual sentry on each occasion that he beat  
2 up a prisoner received a direct order to go and beat  
3 up that prisoner.

4 Q Who did they say these orders came from?

5 A Either -- you understand this, my memory is  
6 rather vague over this as to the exact words. The  
7 impression given was that it was the orders of the  
8 authorities controlling the prisoner of war camps.  
9 I think that in one case the word "government" was  
10 used. But I interpreted that to mean the administra-  
11 tive system.

12 Q Administrative system where?

13 A The prisoner of war administrative system.

14 Q You mean your local system, or the system of  
15 the higher headquarters?

16 A Frankly, I don't know that I have considered  
17 that. The second in command of the camp in one case  
18 told us that he much regretted the brutalities that  
19 were going on but he could do nothing to stop it  
20 because those were the orders.

21 Q You mean those were the orders not to stop  
22 these brutalities?

23 A No, to commit the brutalities.

24 Q You mean the orders, then, as I gather from  
25 your conversation with this officer, were that he had

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1 ~~instructions to commit brutalities. He and his guards~~  
2 were instructed from higher headquarters, possibly  
3 Tokyo, to commit brutalities. Now, is that your  
4 contention, Mr. Witness?

5 A What I mean is that he conveyed to me that  
6 the orders were that sentries were to be at liberty to  
7 punish physically, by assaults or otherwise, any  
8 prisoner that they saw fit to punish, and he, as the  
9 second in command of the camp, had no power to control  
10 it or stop it. That particular incident arose because  
11 I went to him and protested over the fact that in  
12 about an hour no less than, I think it was four or two  
13 men had been beaten up, two of whom had to be removed  
14 to hospital for treatment.

15 Q Now, I gather, Brigadier, that in that this  
16 officer was stating to you that this very action was  
17 at the discretion of the individual guard or the men  
18 on the spot, depending upon the circumstances?

19 A That is not what I gathered. I gathered that  
20 what he meant to convey to me was that the method of  
21 punishment of prisoners of war was for the sentries to  
22 assault them without any trial.

23 Q Is your memory clear or exactly what he did  
24 say to you, not what you interpreted?

25 A I don't pretend to remember the exact words.

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1 He conveyed to me his personal regret and conveyed to  
2 me that he was unable to interfere with it because  
3 that was the system.

4 Q That was the system. In other words, that  
5 it was within this sentry's or guard's authority, and  
6 he did not want to interfere with it, is that correct?

7 A No, that it was within the guard's authority,  
8 but he did wish to interfere with it but couldn't.

9 Q That is right. Now, what was the name of  
10 this commander?

11 A Either Lieutenant KIRAKURI or KITANURA, I  
12 can't now remember which, second in command of the  
13 Cycle Camp, Batavia.

14 Q What date?

15 A From about May 1942 to, I think he left in  
16 September or October 1942. He was an infantry  
17 officer who told me that he was leaving the camp to  
18 rejoin his unit.

19 Q These incidents, then, that you are speaking  
20 of all happened prior to this change of policy?

21 A (Witness nods head.)

22 MR. BROOKS: No other cross-examination, your  
23 Honor.

24 THE PRESIDENT: Mr. Justice Mansfield.

25 MR. JUSTICE MANSFIELD: No re-examination,

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1 if the Tribunal please.

2 THE PRESIDENT: You are released, Brigadier,  
3 on the usual terms. You may go back to Australia on  
4 those terms.

5 (Whereupon, the witness was excused.)

6 THE PRESIDENT: Mr. Higgins.

7 MR. HIGGINS: Mr. Justice Bergerhoff Mulder,  
8 associate prosecutor from the Kingdom of the Nether-  
9 lands, will have charge of the prosecution's case as  
10 it relates to the Japanese aggressions against the  
11 Netherlands.

12 I present Mr. Bergerhoff Mulder.  
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1 THE PRESIDENT: Mr. Cunningham.

2 MR. CUNNINGHAM: If it please the Tribunal:

3 The defendant represented by this counsel  
4 objects to the introduction of the Netherlands phase  
5 of the case by the counsel for the Government of the  
6 Kingdom of the Netherlands, and objects to their  
7 participation in this trial for the reasons to follow:

8 Nothing in this record of this case officially  
9 or otherwise grants this Court jurisdiction to permit  
10 presentation of the Netherlands phase of the case by  
11 any other than American counsel, if any authority  
12 exists for that;

13 That the Appointing Authority has no power  
14 over Dutch forces and, therefore, no jurisdiction to  
15 enforce trial of offenses to their national honor and  
16 dignity or the violation of the rules of land warfare  
17 against their armed forces;

18 That the Appointing Authority has no power  
19 over prosecutors of the Netherlands; neither has the  
20 Chief of Counsel authority to delegate responsibility  
21 to them;

22 That no oath of office or notice of appoint-  
23 ment or letters of authority have been filed in these  
24 proceedings by the Netherlands prosecution staff, as  
25 is required in all courts appointed by the Supreme

1 Commander under his congressional or presidential  
2 authority;

3 That the Netherlands Government was not a  
4 party to the Potsdam Agreement and is, therefore, not  
5 a proper party to these proceedings; that the terms  
6 at Potsdam cannot be enlarged upon or extended to  
7 any nation not a party to that agreement;

8 That the views expressed in the Indictment  
9 and in the opening statement of this phase of the  
10 case do not represent those of the leaders of the  
11 Dutch East Indies but of the Imperial Government of  
12 the Netherlands which was in exile at the time the  
13 acts complained of occurred and, thus, not a legally  
14 constituted government under international law but a  
15 government functioning in exile;

16 The defendant is entitled to know by what  
17 authority the complaint of the Netherlands Government  
18 is pressed against him and the nature of the appointment  
19 of the prosecutors and the government to whom  
20 they are responsible;

21 The prosecution here is attempting to prove  
22 the crime "Charge against Humanity," and strict  
23 proof of the right of the prosecution and evidence  
24 of the nature of the appointment and the extent of  
25 the representation is required by international



1 law;

2 To permit them to prosecute this cause before  
3 a tribunal created by the American Supreme Allied  
4 Commander would constitute fatal error and require  
5 vacation of the proceedings if the record stands as  
6 it now stands.

7 I might say that I expect these objections  
8 to loom to greater proportions as this phase of the  
9 case progresses and that is why I raised the question  
10 before the prosecutor made his opening statement.

11 (Whereupon, Mr. Higgins approached  
12 the lectern.)

13 THE PRESIDENT: We don't want to hear you,  
14 Mr. Higgins.

15 The objections have no foundation in fact or  
16 law or reason. They are overruled.

17 We will recess for fifteen minutes.

18 (Whereupon, at 1045, a recess was taken  
19 until 1100, after which the proceedings were  
20 resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Levin.

4 MR. LEVIN: Mr. President, while I believe  
5 the opening statement of this phase of the case con-  
6 forms rather fully to what an opening statement  
7 should be, I should like to reserve for the defense  
8 the right to make any objections that we may see fit  
9 at the conclusion of the opening statement.

10 THE PRESIDENT: Mr. Justice Mulder.

11 MR. JUSTICE BORGERHOFF MULDER: (Reading)

12 "Mr. President and Members of the Tribunal:

13 "The subject of this phase of the case is  
14 the Japanese aggression against the Netherlands. The  
15 evidence to be presented will relate more especially  
16 to Counts 1, 4, 5, 14 and 32 of the Indictment, and  
17 will substantiate charges set forth in the remaining  
18 Counts. It will elaborate on and prove the allega-  
19 tions made in Section 10 of Appendix A of the In-  
20 dictment.

21 "It will be shown how Japan, when at the  
22 end of the 1930s a speedy conclusion of the war in  
23 China seemed improbable, gradually turned her thoughts  
24 to an expansion southward and to the acquisition of  
25 the southern territories, rich in mineral resources

and agricultural products; how this idea gradually took shape in the minds of the Japanese War Leaders and how with the outbreak of the Second World War this idea took concrete form. We will show how after Germany's victories in Western Europe these plans were put into execution, through negotiations with Germany, through a Japanese advance into Indo-China and through the exertion of pressure and threats on the so-called 'orphaned' Netherlands Indies. We shall further show that at the same time a military expansion southward was planned in case the attempt at peaceful domination should fail; that when the Netherlands East Indies would not yield to Japanese pressure, aggression and military conquest were decided upon, and that the Japanese southward advance into the Netherlands Indies and surrounding territory was one of the main motives for the Japanese aggression in the Pacific in December 1941. Lastly, it will be shown how after a ruthless war of aggression, and after the military occupation of almost the entire Netherlands Indies, previously prepared plans to bring these territories under the hegemony of Japan and to accomplish their virtual annexation, were put into execution, and how this policy to assure for Japan the future domination of the whole Southern

1 Pacific, and to construct a new Japanese Empire, was  
2 pursued until the final Japanese surrender in August  
3 1945.

4 "The evidence to be presented in order that  
5 it may be fully comprehended and understood in its  
6 proper perspective, must be viewed in the light of  
7 the centuries of amicable relations that had existed  
8 between Japan and the Netherlands.

9 "Some of the evidence relating to these  
10 facts has already been introduced in earlier phases  
11 of the case. As the Japanese aggression against the  
12 Netherlands formed an integral part of the overall  
13 Japanese aggression, of which other phases have al-  
14 ready been presented to the Court, this is, of course,  
15 inevitable. The negotiations with Germany and the  
16 results obtained therefrom, the military and econ-  
17 omic preparations for the advance southward, the se-  
18 curing of bases in French Indo-China and the con-  
19 struction of military bases in the Mandated Islands,  
20 as a prelude to further aggression, and the general  
21 decisions leading up to the final aggression in De-  
22 cember 1941, have already been dealt with by others.  
23 Only when necessary for full comprehension will the  
24 evidence relating to these subjects be brought to  
25 the attention of the Court to place the further facts

1 which we intend to prove in their proper light and to  
2 present to the Tribunal a complete picture of the  
3 Japanese aggression against the Netherlands. More  
4 specifically the evidence to be presented will dis-  
5 close the following facts:

6 "1. Treaties and assurances binding Japan to respect  
7 the integrity of Netherlands Territory:

8 "By the Treaty concluded on 13 December  
9 1921, the United States, Great Britain, France and  
10 Japan undertook to respect each other's rights in re-  
11 spect of their insular possessions and dominions in  
12 the Pacific Ocean and to settle all differences aris-  
13 ing among themselves on this subject by peaceful  
14 means only. The Netherlands was not among the sig-  
15 natories to this Treaty, but on 4 February 1922 a  
16 solemn declaration was issued by each of the contract-  
17 ing governments that the rights of the Netherlands in  
18 relation to its insular possessions in the Pacific  
19 Ocean would be respected. The communications thus  
20 addressed to the Netherlands Government by the four  
21 governments concerned were word for word identical,  
22 and each of them was, therefore, bound in the same way  
23 to respect the territorial integrity of the Nether-  
24 lands Indies.  
25

"No indication was ever given that Japan no



1 longer deemed herself bound by this Pact. On the con-  
2 trary, in the final years preceding the Japanese ag-  
3 gression toward the south, the Japanese Government,  
4 while planning and preparing this aggression, repeat-  
5 edly declared that Japan's intentions were wholly  
6 peaceful and on various occasions reiterated its  
7 assurances not to attack the Netherlands Indies.

8 "On April 15, 1940 and again on May 11,  
9 1940, one day after the Netherlands became involved  
10 in the war with Germany, the Japanese Foreign Minis-  
11 ter ARITA stated publicly that the Japanese Govern-  
12 ment was deeply concerned about any development that  
13 might affect the status quo of the Netherlands  
14 Indies, and that his government was desirous that  
15 this status quo be maintained. Official notice of  
16 this statement was given to the United States, Brit-  
17 ish and French Governments, the other parties to the  
18 Four Power Pact, which caused them in their turn to  
19 make similar declarations and to reaffirm their re-  
20 solve to continue to respect the integrity of Nether-  
21 lands territory in the Pacific Ocean.

22 "On May 16, 1940 the Japanese Ambassador in  
23 Washington, in a conversation with the American Secre-  
24 tary of State, repeated that his government was en-  
25 tirely satisfied with the situation, following the

1 declaration to respect the status quo of the Nether-  
2 lands Indies by each of the four governments interes-  
3 ted, and that there was no purpose in raising any  
4 further controversy in this connection.

5 "Almost a year later, on March 24, 1941,  
6 Foreign Minister MATSUOKA, then on his way to Germany  
7 to confer with the German leaders and to discuss with  
8 them Japan's participation in the war, stated emphat-  
9 ically to the American Ambassador in Moscow, that  
10 under no circumstances would Japan attack any of the  
11 American, British or Dutch possessions and insisted  
12 that Japan had no territorial ambitions whatsoever.

13 "2. Development of Japanese Policy regarding south-  
14 ward expansion:

15 "While it was thus the professed policy of  
16 Japan to maintain peaceful relations with the Nether-  
17 lands, a new actual policy was being conceived, which  
18 was directly opposed to her official assurances.

19 "In November 1938 the First KONOYE Cabi-  
20 net, which was then in power, and of which at that  
21 time the accused, ARAKI, ITAGAKI and KIDO were mem-  
22 bers, issued the official declaration that the ulti-  
23 mate aim of Imperial Japan was the establishment of  
24 a New Order throughout East Asia. Although it was  
25 not stated which countries were supposed to be



1 included within this Sphere of the New Order and the  
2 southern regions were not then mentioned by name, Ja-  
3 panese propagandists, such as the accused HASHIMOTO,  
4 had for some time in books and speeches advocated  
5 Japanese expansion to the south.

6 "With the outbreak of the war in Europe,  
7 however, Japan, foiled in her attempts to bring the  
8 war in China to a successful conclusion and judging  
9 the moment opportune, grasped at the possibility for  
10 southward expansion.

11 "In a conversation with the German Foreign  
12 Minister in September 1939, Ambassador OSHIMA gave  
13 as his opinion that Japan, especially the Japanese  
14 Navy, was ready for an advance in Southeast Asia and  
15 Count TERAUCHI, who was then visiting Germany, stated  
16 that he considered an advance to the south preferable  
17 to a continuation of the war in China. It was not un-  
18 til April 1940, however, when Foreign Minister ABITA,  
19 in his statement that Japan desired the maintenance  
20 of the status quo in the Netherlands Indies, declared  
21 that Japan was closely bound to the Netherlands Indies  
22 through a relationship of mutuality and inter-depen-  
23 dence, that the Netherlands Indies were first offici-  
24 ally included, although by implication only, within  
25 the Japanese Sphere for a New Order."

1 "Immediately after the occupation of the  
2 Netherlands by Germany in May 1940, the Japanese  
3 Government sought for a declaration by Germany on  
4 her attitude toward the Netherlands Indies. After  
5 the German Ambassador, on orders from his govern-  
6 ment, had declared that Germany was not interested  
7 in this question, he was able to report that this  
8 declaration of German lack of interest was considered  
9 a 'carte blanche' for Japan. Nevertheless on 24 June  
10 1940 the Minister of Overseas Affairs, the accused  
11 KOISO, inquired again what Germany's attitude would  
12 be to military activity by Japan in French Indo-  
13 China and the Netherlands Indies. Germany's posi-  
14 tion came once more under discussion at the joint  
15 conference between Army, Navy and Foreign Office re-  
16 presentatives on 12 and 16 July, 1940 on the strength-  
17 ening of Japanese-German relations. It was resolved  
18 that Germany would have to recognize that the South-  
19 seas formed part of the area in which Japan would  
20 establish her New Order and over which Japan would ex-  
21 ercise political leadership to the exclusion of all  
22 others.

23 "While these negotiations with Germany  
24 were going on, the Japanese Government was approached  
25 by the American Ambassador with a proposal for a

1 Treaty to guarantee once more the status quo in the  
2 Pacific. The proposal was rejected as it was con-  
3 sidered that Japan wanted to keep her hands free in  
4 regard to the southern regions, especially the Neth-  
5 erlands Indies.

6 "On 22 July 1940 the Second KONOYE Cabinet  
7 came into office, of which the accused HOSHINO, TOJO,  
8 and at a later stage also the accused HIRANUMA and  
9 SUZUKI were members. A Cabinet decision on 26 July  
10 1940, which a few days later was published as an of-  
11 ficial Japanese Government declaration, affirmed that  
12 the first and fundamental aim of Japan's national  
13 policy would be the construction of a New Order in  
14 Greater East Asia, with Japan, China and Manchukuo  
15 as the center.

16 "That at this time Japan definitely in-  
17 cluded the whole of the southern regions in her  
18 Sphere of a New Order is clear from the official  
19 declaration made by Foreign Minister MATSUOKA to the  
20 Privy Council on the occasion of the conclusion of  
21 the Tri-partite Pact in September 1940. Greater  
22 East Asia, including the southern regions, would be  
23 the area of future Japanese domination. Japan's econ-  
24 omy was to be planned with a view to this ultimate  
25 objective and, as will presently be shown, these plans

1 were immediately reflected in Japan's economic de-  
2 mands on the Netherlands Indies.

3 "Although at this time definite plans for  
4 a military conquest of the southern regions seem as  
5 yet to have been vague, such a military conquest was  
6 certainly already envisaged. I mentioned earlier the  
7 accused KOISO's inquiry as to Germany's attitude to  
8 military activity by Japan towards the south. Two  
9 months later, in August 1940, the Chief of the Na-  
10 val General Staff gave as his opinion that an im-  
11 mediate military operation in the south was impossi-  
12 ble and, as it would take at least eight months to  
13 get ready, the longer the war was postponed the bet-  
14 ter. A comprehensive plan dated September 1940 and  
15 found in the files of the Japanese Government deals  
16 with the establishment of the Greater East Asia Co-  
17 prosperity Sphere, either through peaceful means by  
18 making Japan the mediator in the present World War,  
19 or through military conquest. This latter part of  
20 the plan goes into some detail as to how to achieve a  
21 military conquest of the Netherlands Indies, without  
22 too great damage being caused to its natural resources  
23 and industrial equipment, and how to make the Nether-  
24 lands Indies a puppet state in Japan's Sphere through  
25 the stirring up of an independence movement and the

1 establishment of a new constitution. A similar poli-  
2 cy was to be followed in all other southern regions  
3 from Burma to the Philippines. Furthermore, in Oct-  
4 ober 1940 the accused OSHIMA, commenting on the Tri-  
5 partite Pact, evaluated it as the final clear recog-  
6 nition of Japan's mission in the South and urged that  
7 Japan should be prepared to overcome by any means the  
8 obstacles which would be placed in her way.

9 "In January 1941 in a speech before the  
10 Diet, Foreign Minister MATSUOKA for the first time  
11 asserted publicly that the Netherlands Indies formed  
12 a part of Japan's Greater East Asia Co-prosperity  
13 Sphere and sent out instructions that in no case  
14 should official statements deny that the Netherlands  
15 Indies formed part of Japan's Co-prosperity Sphere.  
16 From this time onward, although, as I will relate  
17 presently, the efforts to make the Netherlands Indies  
18 yield to Japanese demands for peaceful penetration  
19 continued until the middle of 1941, the concept of  
20 military expansion gradually took more definite form.

21 "In February 1941 Foreign Minister MATSUOKA  
22 stated that he would like to make peace with China so  
23 as to concentrate Japan's whole energy on the main  
24 question now facing Japan, the solution of the south-  
25 ern problem. The same month the German Foreign



1 Minister discussed the reconstruction of Europe and  
2 East Asia after the war with the accused OSHIMA,  
3 and the same subject came up for discussion on the  
4 occasion of MATSUOKA's visit to Berlin - the Japan-  
5 ese Government apparently being anxious to make  
6 Japan the intermediary in all of Germany's future  
7 relations with countries within the Co-prosperity  
8 Sphere. A further point arising during MATSUOKA's  
9 discussion in Germany was how to acquire the oil  
10 fields in the Netherlands Indies intact, which prob-  
11 lem would have to be considered in planning the mili-  
12 tary operation.

13 "At the Liaison Conference between the Gov-  
14 ernment and Imperial Headquarters on 25 June 1941 it  
15 was decided that, the Netherlands Indies having re-  
16 fused to yield to the Japanese demands, Japan would  
17 have to occupy the southern part of French Indo-China  
18 to establish air and naval bases for a further ad-  
19 vance to the south.

20 "The Imperial Conference on 2 July 1941 de-  
21 cided that Japan would under all circumstances adhere  
22 to the principle of establishing a Greater East Asia  
23 Co-prosperity Sphere, hasten her southward advance,  
24 and remove all obstacles for the achievement of that  
25 purpose.

1 "In the second half of July the occupation  
2 of the whole of French Indo-China was effected with  
3 the aim to launch from there a rapid attack south-  
4 ward as soon as the situation would be opportune.

5 "3. Direct relations and negotiations be-  
6 tween the Netherlands and Japan in 1940 and 1941:

7 "Until the beginning of the year 1940 the  
8 relations between Japan and the Netherlands, at least  
9 on the surface, were friendly. Japan's share in the  
10 economic relations of the Netherlands Indies with  
11 other countries was comparatively small and these re-  
12 lations were governed by the usual 'Most Favored Na-  
13 tion Clause', which prevents any discrimination.  
14 Moreover, by a Treaty of Judicial Settlement, Arbitra-  
15 tion and Conciliation, concluded between Japan and the  
16 Netherlands in 1933, both countries were bound not to  
17 seek settlement of disputes of any character which  
18 might arise between them by other than pacific means.  
19 This Treaty which came into effect for five years  
20 when ratifications were exchanged in August 1935,  
21 would automatically have been valid for a further five  
22 years after 1940, had it not been denounced by Japan  
23 in January of that year.

24 "On 2 February 1940 the Japanese Minister in  
25 the Hague presented a memorandum requesting the opening

1 of discussions for the lifting of existing import,  
2 export and immigration restrictions in the Nether-  
3 lands Indies and the consideration of further meas-  
4 ures to enable Japan to have a greater part in the  
5 development of that archipelago. This request had  
6 not yet been answered, when in May 1940, a few days  
7 after the occupation of the Netherlands by Germany,  
8 another memorandum was presented to the Netherlands  
9 Government insisting on a speedy reply and further re-  
10 questing a guarantee that the Netherlands Indies  
11 would in the future continue to supply Japan with  
12 specified amounts of certain war materials. A non-  
13 committal answer which, however, did not exclude fur-  
14 ther negotiations was handed to the Japanese Govern-  
15 ment in June and soon thereafter Japan made clear its  
16 intention to send an Economic Mission to the Nether-  
17 lands Indies for direct negotiations. This Mission,  
18 consisting of some thirty delegates headed by the  
19 Minister of Commerce in the Second KONOYE Cabinet,  
20 which was then in office, arrived in September 1940,  
21 a few days before the conclusion of the Tri-partite  
22 Pact.

23 "One of the main objectives of the Mission,  
24 which included representatives both of the Army and  
25 the Navy, was to ensure a continuous flow of raw

1 materials from the Netherlands Indies, both to streng-  
2 then Japanese war production and to provide Japan's  
3 partners under the Tri-partite Pact with materials  
4 essential for the prosecution of the war. Indeed,  
5 promises were made by Japan to Germany that rubber,  
6 tin and other materials would be obtained for her  
7 from the southern regions.

8 "However, a more ambitious program had been  
9 drawn up, aiming at the domination of the whole of the  
10 Netherlands Indies through the latter's compliance  
11 with far reaching Japanese demands. To quote an ex-  
12 ample, one of the most pressing Japanese needs was  
13 the acquirement of oil. Nevertheless, instructions  
14 were given that in the oil negotiations with the Neth-  
15 erlands authorities emphasis should be laid on the ac-  
16 quisition of oil concessions, rather than on the ob-  
17 taining of the finished product. Close contact would  
18 have to be maintained with the military authorities in  
19 the selection of areas for these concessions, as these  
20 were intended to serve as bases for a military foot-  
21 hold in the Netherlands Indies.

22 "A Cabinet decision of 25 October 1940 out-  
23 lined an initial program for Japan's participation in  
24 the economic development of the Netherlands Indies,  
25 the subject on which the Economic Delegation was then



1 negotiating in Batavia. It was decided that recog-  
2 nizing Japan's dominant position in the Netherlands  
3 Indies by virtue of the Tri-partite Pact, the first  
4 measures to be taken would be to liquidate the Neth-  
5 erlands Indies economic relations with the European  
6 and American continents; to remove the various exist-  
7 ing restrictions on the economic activities of Japan  
8 so as to enable her to secure preferential treatment  
9 for herself; to arrange for the joint development by  
10 Japan and the Netherlands of the Netherlands Indies;  
11 to place under Japanese control the production and ex-  
12 port of essential war materials; to place the ex-  
13 change-control of the Netherlands Indies under Japan-  
14 ese guidance; to liquidate foreign financial holdings  
15 in the Netherlands Indies; and to place the formula-  
16 tion and execution of all economic policies under the  
17 control of a joint Japanese-Netherlands Economic  
18 Commission. In general terms, it was added that all  
19 economic measures would be formulated from the broader  
20 viewpoint of establishing the Co-prosperity Sphere of  
21 Greater East Asia."

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W 1 "Meanwhile in Batavia, after initial  
O 2 negotiations concerning the more direct and press-  
l 3 ing need to obtain for Japan the necessary exports  
f 4 of oil had taken place and the attempt to lease  
& 5 certain territories as oil concessions for Japan  
Y 6 had failed, the above more general program was pre-  
o 7 sented in the form of a long list of demands in  
l 8 January 1941. Foreign Minister MATSUOKA's speech  
d 9 including the Netherlands Indies in the Co-pros-  
e 10 perity Sphere temporarily brought negotiations to  
n 11 a halt and caused the head of the Japanese Mission  
12 to warn MATSUOKA that, unless the utterances of the  
13 Japanese Government and the Japanese press became  
14 more moderate, the attempt to make the Netherlands  
15 Indies a part of the Co-prosperity Sphere through  
16 peaceful negotiations was bound to fail, in which  
17 case a resort to armed force would be inevitable.

18  
19 "Although the negotiations continued for  
20 several more months, it was clear that the Japan-  
21 ese demands could not be satisfied, as the Nether-  
22 lands were unwilling to accord Japan any special  
23 privileges or to recognize any dominant position  
24 of Japan in the southern regions. At the end of  
25 May 1941, the last Japanese and Netherlands memor-  
anda were exchanged and, no agreement having been

1 reached, Japan discontinued the negotiations in  
2 June and the Mission returned to Japan. The same  
3 month Foreign Minister MATSUOKA stated that no fur-  
4 ther negotiations would take place and that, before  
5 proceeding further against the Netherlands Indies,  
6 bases in French Indo-China would have to be secured.

7 "In July the Japanese occupation of the  
8 southern part of French Indo-China took place, re-  
9 sulting in the freezing of all Japanese assets in  
10 the Netherlands Indies. From this time onward, no  
11 further trade was possible and commercial relations  
12 between Japan and the Netherlands Indies practi-  
13 cally came to an end.

14 "4. Japanese Subversive Activities in the Netherlands  
15 East Indies:

16 "An extensive system of espionage was  
17 built up by the Japanese in the Netherlands Indies  
18 many years before the outbreak of war between Japan  
19 and the Netherlands. A great part of the many thou-  
20 sands of Japanese residing in the Netherlands Indies,  
21 held closely under the control and supervision of  
22 the Japanese authorities through numerous local  
23 Japanese associations, took an active part in the  
24 gathering of information of military importance.  
25 Japanese consuls and consular agents saw in the

1 collection and dispatch of this military information  
2 through diplomatic channels one of their main tasks  
3 and Japanese professional spies were attached as  
4 consular personnel to several Japanese consulates.

5 "In addition to the activities of the Jap-  
6 anese residents and Japanese diplomatic personnel,  
7 the Japanese Army and Navy each had their own agents  
8 in the more important places in the Netherlands  
9 Indies. Special emphasis was laid on Japanese pro-  
10 paganda among the Chinese and Indonesian inhabitants  
11 of the Netherlands Indies, for which large sums were  
12 expended, and many Chinese agents were brought over  
13 from the Japanese occupied parts of China.

14 "5. Preparation for War and Military Operations,  
15 July 1941 to March 1942.  
16

17 "From July 1941 onward it was clear that  
18 the resolve to continue the advance to the south,  
19 under any circumstances and against all obstacles,  
20 could only be effected through the actual exertion  
21 of military force. This in itself proved no deter-  
22 rent to the Japanese plans. If in some quarters  
23 there was still a certain hesitation, it was caused  
24 through the realization that an advance into the  
25 Netherlands Indies and toward the South in general  
would involve Japan in a war with both the United

1 hostilities against the United States and Great  
2 Britain. Occupation currency for the Netherlands  
3 Indies had been ordered as far back as January 1941  
4 and the first deliveries had been made in March of  
5 that year. The so-called 'Table Top Maneuvers'  
6 held in August 1941 by the Total War Research In-  
7 stitute went into great detail as to how and when  
8 to start a campaign against the Netherlands Indies  
9 and dealt extensively with the expected military  
10 operations, either against the Netherlands alone,  
11 or in conjunction with a general war in the Pacific.  
12 In September 1941 'war games' were held by the Navy  
13 at the Navy War College and further careful plans  
14 were worked out by the Army and Navy in September  
15 and October. The Commander-in-Chief of all Army  
16 units in the southern regions was appointed in Oct-  
17 ober and Navy units for the operations in the  
18 Netherlands Indies were selected. These plans were  
19 so detailed as to specify that certain oil refineries  
20 in the Netherlands Indies would be administed directly  
21 by the Japanese Navy to cover its own needs.

22 "After the Third KONOYE Cabinet had been  
23 succeeded in October 1941 by the TOJO Cabinet, of  
24 which the accused KAYA, SHIMADA, SUZUKI and TOGO  
25 were members, the preparations were intensified and



1 a general re-examination of all questions concerning  
2 the prospective war took place, such as the con-  
3 sideration whether an attack toward the south would  
4 be possible without directly involving the United  
5 States and Great Britain in the war.

6 "At the Imperial Conference of 5 November  
7 1941 it was decided to begin hostilities sometime  
8 after the 25th of November and it was planned to  
9 open new negotiations with the Netherlands Indies  
10 for the purpose of concealing and disguising the  
11 Japanese plans for an attack upon that country.

12 "On 5 and 7 November 1941 Combined Fleet  
13 Top Secret Operation Orders Nos. 1 and 2 were issued,  
14 of which mention has been made before. Further plans  
15 provided for the establishment of a temporary mili-  
16 tary administration for the territories which were  
17 to be occupied until a definite decision regarding  
18 their future status could be made. Eventually,  
19 most of the southern areas were to be granted a  
20 certain degree of self-government under the control  
21 of Japan and outlines for these future measures were  
22 drawn up. "  
23  
24  
25



1                    "At the Imperial Conference of 1 December  
2 1941 the final decision to declare war on the United  
3 States, Great Britain and the Netherlands was made.  
4 On 8 December 1941, Japan attacked and subsequently  
5 declared war upon the United States and Great Britain.  
6 No formal declaration of war by Japan on the Netherlands  
7 was made, or even contemplated, as according to Prime  
8 Minister TOJO, when discussing this question in the  
9 Privy Council, such a step would be undesirable for  
10 strategic reasons. However, in the light of the  
11 known facts, the Netherlands Government could harbor  
12 no doubt that the attacks on Pearl Harbor and Singa-  
13 pore were but a prelude to a military conquest of  
14 the Netherlands Indies. Accordingly, it recognized  
15 the existence of a state of war and formally declared  
16 war on Japan.

17                    "Meanwhile, on 2 December 1941 a new  
18 Cabinet Committee to consider measures for the  
19 economic control and exploitation of the shortly to  
20 be occupied southern regions had been set up under  
21 the Chairmanship of the President of the Planning  
22 Board, the accused SUZUKI, and the first report,  
23 containing general outlines of measures to be taken  
24 in this respect, was presented to the Cabinet on  
25 12 December. Another plan of the same date for the

1 military and political measures in the southern  
2 areas provided for the final disposal of all  
3 territories to be brought under the control of  
4 Japan.

5 "In the months of November 1941 to  
6 February 1942 extensive reports were prepared by  
7 the Total War Research Institute on the same question,  
8 going into great detail concerning the measures to be  
9 taken in the political, military and economic fields  
10 over a long period of years to ensure for Japan the  
11 definite hegemony of the whole East Asia and adjoining  
12 regions.

13 "On 12 January 1942, the first Japanese  
14 troops landed in the Netherlands Indies and the  
15 Japanese Government issued a declaration in which  
16 it regretted being compelled to wage a war caused  
17 by Netherlands aggression.

18 "At the opening of the 79th Diet Session  
19 on 22 January 1942, Foreign Minister TOJO once again  
20 expressed his regret at having been forced into war  
21 by the Netherlands, but added at the same time that  
22 the aim of the war was the establishment of Greater  
23 East Asia under the leadership of Japan, for which  
24 purpose all areas of strategic importance would  
25 have to be grasped by Japan, since she was

1 responsible for the safe-keeping of the Co-prosperity  
2 Sphere from infringement by third powers. This was  
3 reaffirmed by Prime Minister TOJO, who also laid  
4 down the fundamental principles on which the con-  
5 struction of Greater East Asia would be based.  
6 Commenting on the speeches, the German Ambassador  
7 was able to report to his government that these  
8 public announcements of the Prime and Foreign  
9 Ministers represented a now definitely established  
10 program for the construction of the Greater East  
11 Asia Sphere, in which some regions would be retained  
12 by Japan, while others would, like Manchukuo, be  
13 granted nominal independence.

14 "Meanwhile, the Japanese forces penetrated  
15 further into the Netherlands Indies. I already men-  
16 tioned that one of the main concerns of the Japanese  
17 leaders was how to acquire the oil resources in the  
18 Netherlands Indies undamaged. Having occupied the  
19 first important installations on the Island of Tara-  
20 kan, and finding the oil-wells destroyed, an ultimatum  
21 was sent to the Commander of the town of Balikpapan  
22 in Borneo, the center of one of the most important  
23 oil producing regions in the Netherlands Indies,  
24 stating that if the oil installations were not  
25 surrendered intact the whole white population would

1 have to pay with their lives. Subsequently, the  
2 town was attacked by the Japanese, the oil wells  
3 were destroyed, and the white population rounded  
4 up and murdered.

5 "On 1 March 1942 landings took place  
6 on the main island of the Netherlands Indies, the  
7 island of Java. Having approached the important  
8 town of Bandung in the center of the island, the  
9 Japanese thought that the time had come for final  
10 surrender. Rejecting the offer by the Netherlands  
11 authorities to surrender the town, the Japanese  
12 Commander-in-Chief avowed his intention to bomb  
13 and destroy the town, unless all Netherlands forces  
14 capitulated. Further resistance having by this time  
15 become useless, the surrender took place under this  
16 Japanese threat, and with the occupation of Java  
17 completed, most of the remainder of the Netherlands  
18 Indies was occupied shortly afterwards.

19 6. Japanese Occupation and Consolidation  
20 of Japanese Conquests, March 1942 to August 1943.

21 "To complete the picture of Japanese  
22 aggression and Japanese attempts to gain domination  
23 of a large part of the world, it is deemed fitting  
24 to present to the Tribunal a survey of the means  
25 by which Japan, under the guise of constructing a



1 Sphere of Common Prosperity and Co-existence,  
2 attempted to achieve the annexation of the  
3 territories overrun by military aggression and their  
4 incorporation within a new Japanese Empire.

5 "In the presentation of the evidence on  
6 this subject, a survey will be given of the three  
7 and a half years of Japanese rule in the Netherlands  
8 Indies, whereby events on the main island of the  
9 East Indian Archipelago, the Island of Java, will  
10 be dealt with in some detail. Although comparatively  
11 small in area, this island, even more densely popu-  
12 lated than Japan itself, comprises nearly 30% of the  
13 total population of all the Southern Territories  
14 which came under the domination of Japan, including  
15 Burma, Thailand, French Indo-China, Malaya, the  
16 Philippines and the Netherlands Indies. It is highly  
17 developed as regards both industry and agriculture  
18 and for these reasons may be considered one of the  
19 most important of the Japanese conquests.

20 "However, it must be stressed that  
21 developments in other countries occupied as the result  
22 of Japanese aggression were not basically different  
23 from those in Java, or in the rest of the Netherlands  
24 Indies. Local variations on the same theme there were;  
25 but the basis of the Japanese occupation policy was



1 the same everywhere, and was always coordinated with  
2 Japan's aims of expansion and domination.

3 "Mention has been made of Japanese plans  
4 drawn up before the Japanese conquest of the Southern  
5 Regions had been effected, or even before the out-  
6 break of the War in the Pacific. These plans, based  
7 on the permanent retention of the fruits of Japanese  
8 conquest, dealt with the final disposal of territories  
9 to be seized by Japan and with the measures necessary  
10 for the achievement of that end. Furthermore, Prime  
11 Minister TOJO, in his aforementioned speech at the  
12 79th Session of the Diet on 22 January 1942, had  
13 stated publicly that Japan would in the future dominate  
14 Greater East Asia.

15 "Had these plans and declarations prior to  
16 the Japanese occupation left any doubt concerning  
17 Japan's aim to achieve the domination of East Asia  
18 and make the different countries thereof subservient  
19 to herself, this doubt would soon have been dispelled  
20 by the actual policies followed by Japan in her rule  
21 of the occupied territories."  
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1           "The first measures to be taken after the  
2 occupation was effected, were to eradicate the ex-  
3 isting forms of government and to sever all contacts  
4 with Western influence and the outside world. All  
5 government officials of Western origin were dismissed  
6 and interned, to be followed soon by the rest of the  
7 Occidental population, women and children included.  
8 This mass internment and strictly enforced isola-  
9 tion from the outside world gave free rein to Japa-  
10 nese propaganda, which immediately monopolized all  
11 means for disseminating information. The territory  
12 of the Netherlands Indies was split up into various  
13 parts, some being placed under the military administra-  
14 tion of the Army, some under the Navy. The existing  
15 Government Departments were abolished and replaced  
16 by centralized Japanese Army and Navy executive bodies  
17 staffed by Japanese personnel.

18           "All representative advisory and legisla-  
19 tive councils were dissovled. An entirely new sys-  
20 tem of local government along autocratic Japanese  
21 lines was introduced. All existing law courts were  
22 abolished and replaced by a Japanese judiciary,  
23 administering differently conceived principles of law,  
24 unaccentable according to democratic standards. All  
25 political parties were dissolved and all political

1 activities forbidden.

2 "Immediately a strangle-hold was laid upon  
3 the economic structure of the country. As a first  
4 measure all existing banks, including the Central  
5 Bank, were closed down, liquidated, and replaced by  
6 Japanese banks. All Western-owned agricultural  
7 enterprises and all public utilities were taken over  
8 by the Japanese authorities, who exploited them  
9 directly or allotted them to Japanese government-  
10 controlled or private companies. Wide-scale confis-  
11 cation of private property took place, either with  
12 a nominal or without any compensation. All further  
13 economic activity was controlled by the Japanese  
14 authorities by uniting those who took part in the  
15 economic life of the country, e.g., farmers, traders,  
16 manufacturers, etc., within autocratically directed  
17 organizations. By these measures Japan achieved a  
18 thorough exploitation of the country to strengthen  
19 the Japanese war machine and to enrich herself and  
20 those of her nationals who participated in it, there-  
21 by causing hardship, poverty and hunger to the entire  
22 population. Hundreds of thousands were deported as  
23 slave-laborers for the Japanese Army and the greater  
24 part of these victims perished through lack of food,  
25 shelter and medical attention."



1 "Immediate action was also taken in the  
2 field of education. One of the first acts of the  
3 Japanese was to close all schools, which were only  
4 partially reopened after the curriculum had been  
5 thoroughly revised and restricted: the teaching of  
6 Japanese language and customs became obligatory; the  
7 teaching of other foreign languages was prohibited;  
8 Japanese history replaced the teaching of general  
9 history; the boundaries of the world were narrowed  
10 down to those of the Greater East Asia Co-prosperity  
11 Sphere. Soon one central 'Youth Movement' was es-  
12 tablished in which young men between the ages of 14  
13 and 25 were to take part, and which aimed at the  
14 development of a militaristic spirit and the imbuing  
15 of the younger generation with veneration for Japan.

16 "Through the creation of this and other  
17 centrally directed movements, the whole social struc-  
18 ture was brought under rigid Japanese control and the  
19 way was paved for the inculcation of a totalitarian  
20 spirit, a desire for war, cruelty, and hatred of the  
21 West. In the religious field, efforts were made to  
22 induce the Mohammedan religious leaders to declare  
23 the war for Greater East Asia a 'holy' war for all  
24 Moslems. At the same time, the system of Emperor  
25 worship was rigidly enforced, and all who had any

1 official or semi-official function had to swear  
2 eternal allegiance to Japan.

3 "Through these and other measures, the exe-  
4 cution of which was enforced by means of a greatly  
5 expanded police force, trained in Japanese police  
6 methods and by a reign of terror of the notorious Japa-  
7 nese Military Police, a thorough Japanization in all  
8 branches of society in the Netherlands Indies was  
9 accomplished in little more than one year.

10 "Apart from the establishment of Japanese  
11 rule, the future formal status of the several occupied  
12 territories, which were under the military administra-  
13 tion of the Army and the Navy, had to be settled. To  
14 achieve the Japanese aim of domination of East Asia,  
15 two ways were open. Firstly, it was possible to annex  
16 the occupied areas outright and have them ruled di-  
17 rectly by Japan, whether or not with a certain degree  
18 of nominal self-government. Secondly, some or all of  
19 the occupied areas might sooner or later be given a  
20 semblance of independence by creating puppet-regimes  
21 under Japanese control. In any case, the final su-  
22 pervision and direction over all areas would remain in  
23 Tokyo, for which purpose in November 1942 the Greater  
24 East Asia Ministry was set up, which, it was intended,  
25 should regulate both the internal and external affairs



of all countries within the Greater East Asia Co-prosperity Sphere.

1            "In the middle of 1943 the first measures  
2 were initiated for the execution of this policy. Burma  
3 and the Philippines were granted nominal independence,  
4 but no such step was taken in regard to the Netherlands  
5 Indies. General Staffs of both the Army and the Navy,  
6 who were each responsible for the administration of  
7 part of the archipelago, were strongly opposed to the  
8 granting of any degree of self-government despite pres-  
9 sure in this direction from local army authorities.  
10 Accordingly, it was decided that the Netherlands Indies  
11 would continue to be ruled directly by Japan. However,  
12 were Japanese claims to have liberated the country  
13 from American, British and Netherlands oppression not  
14 to remain wholly unsubstantiated, some concessions would  
15 have to be made to the inhabitants, from whom active  
16 participation in the Japanese war effort was exacted.

17            "Consequently, in his speech at the 82nd  
18 Session of the Diet in June 1943 Prime Minister TOJO  
19 promised the population of the Netherlands Indies a  
20 certain degree of participation in the government of  
21 these islands. However, this participation, when put  
22 into effect, proved to be of no actual significance  
23 and fell far short of the political rights enjoyed by  
24  
25

1 the population before the Japanese occupation.

2 "As the war progressed, however, and Japan's  
3 position became precarious, more demands had to be  
4 made on the inhabitants of the occupied regions to  
5 strengthen the Japanese war effort. For that purpose,  
6 it became necessary on the one hand to continue the  
7 policy of making even wider promises and on the other  
8 to strengthen the Japanese hold on the life of the  
9 country.

10 "In November 1943, an Assembly of Greater  
11 East Asiatic nations was held in Tokyo. There,  
12 representatives of the various Japanese puppet-govern-  
13 ments heard Prime Minister TOJO declare that the na-  
14 tions of Greater East Asia would have to stand together  
15 and defend themselves jointly against their common  
16 enemies. After reaffirming their adherence to Japan  
17 and their faith in Japanese leadership for Greater  
18 East Asia, the Conference adopted a 'Greater East  
19 Asia Declaration', which called for a common effort  
20 by all Asiatic peoples in the prosecution of the war.

21 "The Netherlands Indies, being under direct  
22 Japanese rule, were not represented at this meeting  
23 of so-called free nations; nevertheless increased ef-  
24 forts were made by the Japanese authorities to achieve  
25 the regimentation of the whole population for the

1 futherance of the Japanese war effort and to induce  
2 or coerce the male population to join the military  
3 organizations which were to assist the Japanese armies.

4 "In July 1944, the war situation having be-  
5 come increasingly grave, the TOJO Cabinet went out of  
6 office, and was replaced by a new Cabinet under the  
7 accused KOISO as Prime Minister, while the accused  
8 SHIGEMITSU, who had already been Foreign Minister in  
9 the TOJO Cabinet since April 1943, remained in that  
10 post and became concurrently Minister for Greater East  
11 Asia. One of the first moves of the new Cabinet, under  
12 further pressure from local army authorities, was to  
13 revise the Japanese policy regarding the Netherlands  
14 Indies. Communications between Japan and the Southern  
15 Regions had become endangered, and it was now necessary  
16 to make further efforts to ensure full cooperation from  
17 the local population. Accordingly, Prime Minister  
18 KOISO, in his speech before the 85th Session of the  
19 Diet on 7 September 1944, promised future independence  
20 to the Netherlands Indies. No further details were  
21 given, however, as to how, when, and to what extent,  
22 independence would be granted and, indeed, even at  
23 this stage there was no intention to take definite  
24 steps in that direction.

25 "The main purpose of the Japanese promise



1 was to induce the population to assist to the utmost  
2 in the Japanese war effort by stimulating their nation-  
3 alistic feelings. Definite instructions as to the  
4 policy which the local Japanese authorities should  
5 follow to this end were sent from Tokyo. One of the  
6 measures taken was the training of the entire popula-  
7 tion to participate in anticipated Japanese guerilla  
8 warfare.

9 "During the winter of 1944 and the spring  
10 of 1945, the war situation became increasingly grave  
11 for Japan. With the loss of the Philippine Islands,  
12 lines of communication between Japan and the Southern  
13 Regions became entirely disrupted. It was not until  
14 May 1945, however, when it was apparent that the war  
15 could not be protracted much longer, that orders were  
16 given by the Japanese Government to initiate measures  
17 for the granting of independence, while in July of  
18 that year instructions were issued for their further  
19 acceleration.

20 "Preparations had hardly started, however,  
21 when on 14 August 1945, Japan surrendered. Regardless  
22 of this new situation, the Japanese saw to it that a  
23 Japanese fostered state would still be established.  
24 During one frantic week, while the news of the sur-  
25 render was being kept secret, the necessary prepara-

1 tions were made and the independence proclaimed. On  
2 22 August 1945, the news of the Japanese surrender  
3 was published and the Japanese Commander-in-Chief in  
4 Java stated in a farewell message to the population that  
5 Japan would now have to leave the Southern Regions,  
6 but that eternal friendship between Japan and the people  
7 of the new-born state had been immutably established.

8 "These then are the main outlines of the  
9 development of Japanese aggression against the Nether-  
10 lands, and of Japanese attempts to hold on to the  
11 fruits of this aggression and secure the domination of  
12 the countries of the South Seas until the very last.

13 "With the permission of the Court, we are  
14 now prepared to proceed with the presentation of the  
15 evidence. In this task I will be assisted by Mr. G.  
16 Osmond Hyde, Special Assistant to the Attorney General  
17 of the United States, and by my associates Lt. Colonel  
18 J. S. Sinninghe Damste, Mr. A. T. Laverge and Mrs. C.  
19 R. Strooker."

20 THE PRESIDENT: We will recess now until  
21 half past one.

22 (Whereupon, at 1158 a recess was  
23 taken.)  
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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Laverge.

MR. LAVERGE: The first number of documents will be introduced by Mrs. C. R. Strooker of the Netherlands Division, who up to now has not been introduced to the Court.

THE PRESIDENT: Mrs. Strooker.

MRS. STROOKER: Mr. President and Members of the Tribunal, we shall first present or refer to a number of documents concerning treaties, pledges and assurances by which Japan was bound to respect the integrity of the Netherlands territory.

The Court's attention is invited to exhibit 24, being the Treaty between the United States, the British Empire, France and Japan, signed in Washington on December 13, 1921. By this Treaty the four signatory Powers agreed to respect each others' rights in relation to their insular possessions and dominions in the Pacific Ocean, and to settle all differences arising amongst themselves on this

1 subject by peaceful means only.

2 The next document we wish to refer to is  
3 exhibit 26. As this exhibit has not yet been read  
4 we will now, with the Court's permission, proceed to  
5 read it.

6 THE PRESIDENT: You may read it, Mrs.  
7 Strooker.

8 MRS. STROOKER (Reading):

9 "DECLARATION OF JAPAN REGARDING HER RESOLU-  
10 TION OF RESPECTING RIGHTS OF NETHERLANDS IN RELATION  
11 TO HER INSULAR POSSESSIONS IN REGION OF PACIFIC OCEAN.

12 "Dated February 5, 1921 (10th year of Taisho)

13 "Published August 17, 1923.

14 "Japan has concluded on December 13th, 1921,  
15 with the United States of America, the British Empire  
16 and France a treaty with a view to the preservation of  
17 the general peace and the maintenance of their rights  
18 in relation to their insular possessions and insular  
19 dominions in the region of the Pacific Ocean. They  
20 have agreed thereby as between themselves to respect  
21 their rights in relation to these possessions and  
22 dominions.

23 "The Netherlands not being a signatory of  
24 the said treaty and the Netherlands possessions in  
25 the region of the Pacific Ocean, therefore, not being

1 included in the agreement referred to, the Govern-  
2 ment of Japan, anxious to forestall any conclusion  
3 contrary to the spirit of the treaty, desires to  
4 declare that it is firmly resolved to respect the  
5 rights of the Netherlands in relation to her insular  
6 possessions in the region of the Pacific Ocean."

7 To show that in April, 1940, the Japanese  
8 Government still officially adhered to its professed  
9 desire that the status quo in the Netherlands Indies  
10 would not be changed, we offer in evidence prosecu-  
11 tion document 823B(1), being an excerpt from court  
12 exhibit 777 for identification, a collection of  
13 official Japanese Government announcements for the  
14 year 1940. We will now read exhibit --

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution document  
17 No. 823B(1) will receive exhibit No. 1284.

18 (Whereupon, the document above re-  
19 ferred to was marked prosecution's exhibit  
20 No. 1284 and received in evidence.)

21 MRS. STROOKER: We will now read exhibit  
22 No. 1284.

23 "FOREIGN OFFICE ANNOUNCEMENTS 1940:

24 "Apr. 15, 1940. Foreign Minister ARITA  
25 Replies to Newspapermen on the Question of the



Netherlands East Indies.

1 "On being questioned by newspapermen con-  
2 cerning Japan's position with regard to the possi-  
3 ble involvement of the Netherlands in the European  
4 war and its repercussions in the Netherlands East  
5 Indies, the Foreign Minister Mr. ARITA replied as  
6 follows:

7 "With the South Seas regions, especially  
8 the Netherlands East Indies, Japan is economically  
9 bound by an intimate relationship of mutuality in  
10 ministering to one another's need. Similarly other  
11 countries of East Asia maintain close economic re-  
12 lations with these regions. That is to say, Japan,  
13 these countries and these regions together are con-  
14 tributing to the prosperity of East Asia through  
15 mutual aid and interdependence.

16 "Should the hostilities in Europe be ex-  
17 tended to the Netherlands, and produce repercussions,  
18 as you say, in the Netherlands East Indies, it would  
19 not only interfere with the maintenance and further-  
20 ance of the above-mentioned relations of economic  
21 interdependence, and of co-existence and co-prosperity,  
22 but also give rise to an undesirable situation from  
23 the standpoint of the peace and stability of East  
24 Asia. In view of these considerations the Japanese  
25

1 Government can not but be deeply concerned over any  
2 development, accompanying the aggravation of the war  
3 in Europe, that may affect the status quo of the  
4 Netherlands East Indies.

5 "April 18, 1940. Statement of the Foreign  
6 Office Spokesman Concerning the Question of the  
7 Netherlands East Indies.

8 "We have received a report from our Minister  
9 at the Hague, Mr. Itaro ISHII, to the following effect.

10 "Minister ISHII called on the Netherlands  
11 Foreign Minister, Mr. van Kleffens, on the 16th of  
12 April and explained to the latter the attitude of the  
13 Japanese Government with regard to the question of the  
14 Netherlands East Indies. The Netherlands Foreign Mini-  
15 ster expressed the Netherlands Government's apprecia-  
16 tion of the Japanese Government's attitude and at the  
17 same time stated that the Netherlands Government had  
18 not sought nor would seek in the future any country's  
19 protection of the Netherlands East Indies, and that the  
20 Netherlands Government were determined to refuse any  
21 offer of protection or intervention of any kind which  
22 might be made by any country.

23 "The Netherlands Minister at Tokyo, General  
24 J. C. Pabst called on the Foreign Minister, Mr. Hachio  
25 ARITA, today and confirmed the above report of  
Minister ISHII."



1 We respectfully call the Tribunal's atten-  
2 tion to exhibit 1013, a press release by the United  
3 States Department of State on April 17, 1940, con-  
4 taining an official declaration by the United States  
5 Government in regard to Minister ARITA's statement.  
6 In this declaration emphasis was laid on the fact  
7 that each of the four signatory powers to the afore-  
8 mentioned Pact of 13 December 1921 continued to be  
9 bound to respect the territorial integrity of the  
10 Netherlands Indies.

11 We next offer in evidence a further excerpt  
12 from exhibit 777 for identification, prosecution  
13 document 823B(2), being a declaration by the Japanese  
14 Government on May 11, 1940, concerning the mainte-  
15 nance of the status quo in the Netherlands Indies, to  
16 show that after the Netherlands had been invaded by  
17 Germany the Japanese Government still officially  
18 declared that the status quo in the Netherlands  
19 Indies should not be changed.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution document  
22 823B(2) will receive exhibit No. 1285.

23 (Whereupon, the document above re-  
24 ferred to was marked prosecution's exhibit  
25 No. 1285 and received in evidence.)

1 We will now read exhibit 1285:

2 "FOREIGN OFFICE ANNOUNCEMENTS 1940

3 "May 11, 1940. Statement of the Foreign  
4 Office Spokesman Concerning the Maintenance of Status  
5 Quo of the Netherlands East Indies.

6 "Considering the possibility of the war in  
7 Europe spreading to the Netherlands, the Japanese  
8 Government made public on the 15 of April their  
9 attitude of deep concern over any development that  
10 may affect the status quo of the Netherlands East  
11 Indies, and subsequently they notified the Nether-  
12 lands Government to that effect. In connection with  
13 this, the Netherlands Government expressed their  
14 determination not to alter their policy of maintain-  
15 ing the status quo of the said Netherlands, colony  
16 under any circumstances.

17 "As the European war has now spread to the  
18 Netherlands, the Foreign Minister, Mr. Hachior ARITA,  
19 invited the Netherlands Minister at Tokyo, General  
20 J. C. Pabst, to the Foreign Office this afternoon,  
21 and informed the latter that the Japanese Govern-  
22 ment earnestly hope that the Netherlands Government  
23 will firmly maintain their said determination regard-  
24 ing the question of the Netherlands East Indies.

25 "The Foreign Minister has also called

1 attention of the representatives in Tokyo of bellig-  
2 erent countries, namely, Great Britain, Germany and  
3 France, to Japan's concern over the said question.

4 "The Foreign Minister has informed the  
5 representatives of two neutral countries, the United  
6 States and Italy, for their reference, the fact that  
7 the Japanese Government made the above notification  
8 to the government of belligerent countries concerned."

9 This new declaration by the Japanese Govern-  
10 ment caused Great Britain and France to make similar  
11 declarations. These are contained in prosecution  
12 document 823B(3), an excerpt from exhibit 777 for  
13 identification. We offer prosecution document  
14 823B(3) in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document  
17 No. 823B(3) will receive exhibit No. 1286.

18 (Whereupon, the document above re-  
19 ferred to was marked prosecution's exhibit  
20 No. 1286 and received in evidence.)

21 MRS. STROOKER: We will now read 1286:

22 "FOREIGN OFFICE ANNOUNCEMENTS 1940:

23 "May 13, 1940. Statement of the Foreign  
24 Office Spokesman Concerning the Netherlands East Indies.

25 "The British Ambassador, Sir Robert Craigie,

1 at 6:00 o'clock this afternoon, called on the  
2 Foreign Minister, Mr. Hachiro ARITA, at the latter's  
3 official residence with the reply of his home Govern-  
4 ment to the representation made by Foreign Minister  
5 ARITA on May 11 regarding the Netherlands East Indies.  
6 The British Ambassador told Foreign Minister ARITA  
7 that the British Government fully share the Japanese  
8 Government's concern over the Netherlands East In-  
9 dies but believe that the Dutch forces in the  
10 Netherlands East Indies are sufficient for the  
11 maintenance of the status quo of those islands,  
12 while Great Britain has no intention whatever of  
13 intervening there. The British Ambassador left the  
14 Foreign Office at 6:40 o'clock this evening.

15 "May 15, 1940. Statement of the Foreign  
16 Office Spokesman Concerning the Netherlands Minis-  
17 ter's Notification with Regard to the Netherlands  
18 East Indies.

19 "At 10:00 A. M. today, the Netherlands  
20 Minister, General J. C. Pabst, called on the Foreign  
21 Minister, Mr. Hachiro ARITA, at the latter's official  
22 residence under instructions from his home Government  
23 with reference to the Foreign Minister's communication  
24 to the Netherlands Government made on the 11th of  
25 this month, and stated that the Netherlands Government



1 are of the belief that Great Britain, the United  
2 States and France have no intention of intervening  
3 in the Netherlands East Indies.

4 "The Netherlands Minister took leave of the  
5 Foreign Minister at 10:20 A. M.

6 "May 16, 1940. Statement of the Foreign  
7 Office Spokesman Concerning the French Ambassador's  
8 Notification with Regard to the Netherlands East  
9 Indies.

10 "The French Ambassador, Mr. Charles Arsene-  
11 Henry, called on the Foreign Minister, Mr. Hachiro  
12 ARITA, at the Foreign Office at 3:30 P. M. today  
13 under instructions from his home Government with  
14 reference to the Foreign Minister's communication  
15 to the French-Ambassador made on the 11th of this month  
16 regarding the maintenance of status quo of Netherlands  
17 East Indies, and stated that the French Government  
18 entirely agree with the Japanese policy on the ques-  
19 tion.

20 "The French Ambassador left at 4:00 P. M."  
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1 MRS. C. R. STROOKER: We offer in evidence  
2 prosecution's document 220N, being a press release  
3 issued by the Department of State on May 11, 1940.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document  
6 No. 220N will receive exhibit No. 1287.

7 (Whereupon, the document above re-  
8 ferred to was marked prosecution's exhibit  
9 No. 1287 and received in evidence.)

10 MRS. C. R. STROOKER: We will now read  
11 exhibit No. 1287:

12 "Foreign Relations of the United States-Japan,  
13 1931-1941, Vol. II, p. 285. Press Release Issued by  
14 the Department of State on May 11, 1940.

15 "In response to inquiries by correspondents  
16 concerning press reports from Tokyo relative to the  
17 status quo of the Netherlands East Indies, the  
18 Secretary of State made the following statement:

19 "'I have no full report about the matter  
20 referred to in the press despatches from Tokyo. During  
21 recent weeks a number of governments, including Great  
22 Britain, Japan, and the United States, have made clear  
23 in official public utterances their attitude of  
24 continued respect for the status quo of the Netherlands  
25 East Indies. This was in harmony with definite

1 commitments formally made in writing in 1922. This  
2 Government assumes that each of the governments which  
3 has made commitments will continue to abide by those  
4 commitments. On April 17, 1940, in a public statement,  
5 I said:

6 "Intervention in the domestic affairs of the  
7 Netherlands Indies or any alteration of their status  
8 quo by other than peaceful processes would be  
9 prejudicial to the cause of stability, peace, and  
10 security not only in the region of the Netherlands  
11 Indies but in the entire Pacific area."

12 "In view of these facts, commitments and  
13 expressions of intention to respect the status quo  
14 of the Netherlands East Indies cannot be too often  
15 reiterated."

16 We offer in evidence prosecution document  
17 220P, a memorandum by the United States Secretary of  
18 State, dated May 16, 1940.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document  
21 No. 220P will receive exhibit No. 1288.

22 (Whereupon, the document above re-  
23 ferred to was marked prosecution's exhibit  
24 No. 1288 and received in evidence.)

25 MRS. C. R. STROOKER: I will now read parts of



1 exhibit 1288:

2 "Memorandum by the Secretary of State.

3 "(Washington) May 16, 1940.

4 "The Ambassador of Japan called at his own  
5 request."

6 I will now continue to read from the second  
7 paragraph on page 2 of the English text onward.

8 "I then picked up two or three pages of material  
9 which had come in via the news ticker from Tokyo, in  
10 which the Japanese Government is reported to be  
11 discussing every day or two some phases of the Nether-  
12 lands East Indies and its supposed special rights in  
13 them. I stated that I had not intended to show him  
14 this, that it had just come to my desk as the Ambassador  
15 came in, but I remarked with emphasis that it had been  
16 thought that the Japanese Government and the Govern-  
17 ments of the United States, Great Britain and France  
18 had each and all repeated recently their prior commit-  
19 ment that each was obligated to respect the status quo  
20 in the Netherlands East Indies and I had thought that  
21 settled the matter as among our four countries, since  
22 each country unequivocally pledged itself to respect  
23 the status quo, but I added that notwithstanding the  
24 efforts of many of us to maintain a thorough understanding  
25 with the Government of Japan, there was continually

1 coming out of Tokyo additional discussions of the  
2 Netherlands East Indies as though the commitment to  
3 respect and preserve the status quo had not been made.  
4 I said that these were news reports and I myself was  
5 slow to accredit them, but that the tenor of the  
6 reports interfered with the efforts of the Ambassador  
7 and myself and others to preserve understanding and  
8 fair play and fair treatment between our two countries  
9 by causing misunderstanding and increasing hostility  
10 on the part of the people in each country. I said  
11 that I would make no complaint now about the matter  
12 if that was a part of the newspaper policy in Japan.  
13 I added finally that my Government strives for peace  
14 year in and year out and it desires at all times to  
15 avoid controversy, and, therefore, if controversy  
16 arises, the fault will not lie at the door of this  
17 Government. I said further that in our constant desire  
18 and constant effort to promote and preserve peace, both  
19 with other countries and among other countries, I  
20 hoped that this attitude of ours would not be misunder-  
21 stood.

22 "The Ambassador undertook in reply to disclaim any  
23 purpose of his Government to send him to me to enter  
24 into the long examination to which he was subjecting  
25 me when interrupted. He then repeated that his

1 Government was entirely satisfied with the situation  
2 following the reiteration of the status quo in respect  
3 to the Netherlands Indies by each of the four govern-  
4 ments interested, and that it had no purpose to raise  
5 any further controversy in that connection unless  
6 perchance the British or French should land troops  
7 there to protect them. I remarked that, since my  
8 Government was interested, I had made inquiries of the  
9 British and the French, and gathered the unequivocal  
10 understanding that they had no idea whatever to  
11 intervene in the Netherlands East Indies in any way.

12 "The Ambassador then made some reference to the  
13 Monroe Doctrine in connection with the West Indies  
14 situation, and I replied that I had seemingly in vain  
15 sought to point out to his Government that, under the  
16 Monroe Doctrine, his country's merchant ships have  
17 equal access to every harbor in the Western Hemisphere  
18 (not including a special arrangement between the  
19 United States and Cuba), while under the policy which  
20 his Government is seeking to impose in the Pacific  
21 Ocean area, the United States and other countries are  
22 to be denied equality of trade and industrial opportunity  
23 in every Chinese port, and yet his Government seems to  
24 look with complacency on this conflicting situation.  
25

"I again brought to his attention the information



1 contained in the news ticker report today from Tokyo,  
2 in which Japanese newspapers, as stated, were under-  
3 taking to keep alive and emphasize some supposed  
4 special interests of Japan in the Netherlands East  
5 Indies. I said it seemed very surprising to observe  
6 that, after the Japanese Government had undertaken to  
7 spread itself out over the huge republic of China,  
8 there was an intimation in the news reports that it  
9 would not be content unless it extended itself three  
10 thousand miles beyond to modestly take in the great  
11 archipelago comprising the East Indies, presumably  
12 with a view of shutting out all equality of trade  
13 opportunities among nations, while Japan would continue  
14 to demand equality of trade opportunities in every other  
15 part of the world; that there did not exist any selfish  
16 or other reason on the part of other nations to inter-  
17 fere in the least with equality of trade opportunities  
18 on the part of Japan. The Ambassador again stated  
19 that his Government was satisfied about the Netherlands  
20 East Indies situation in the light of the renewed  
21 promises of each of the three other governments  
22 interested, and that they had no plans or purposes  
23 to proceed there to contest the Netherlands East  
24 Indies. I expressed my satisfaction with his state-  
25 ment, but again reminded him of my difficulty to

1 understand the policy of the Japanese Government or  
2 the Japanese press, whichever it was, to continue  
3 various lines of discussion indicating a claim to  
4 some sort of special interest of Japan in the Nether-  
5 lands East Indies situation; that in a recent statement,  
6 I had set forth rather comprehensively and succinctly  
7 the position of this Government that the status quo  
8 should be respected and preserved by each of the  
9 four governments; that the real question presented  
10 actually related to the entire Pacific area and that  
11 no further elaboration beyond my recent statement on  
12 this subject would appear to add to anything I then  
13 said.

14 "I still interpret the Ambassador's visit as  
15 one under instructions to develop a pretext to support  
16 Japan in connection with its plans and purposes toward  
17 the Netherlands East Indies.

18 "C( ORDELL) H( ELL)"

19 We invite the Tribunal's attention to  
20 court exhibit 1014, a memorandum by the United States  
21 Ambassador to Japan, dated 10 June 1940. In this  
22 memorandum the Ambassador quotes the Japanese Foreign  
23 Minister as asserting categorically that Japan enter-  
24 tained no territorial ambitions and that any suspicion  
25 that Japan intended to proceed against the Netherlands

1 Indies was entirely unjustified.

2 We next offer in evidence prosecution  
3 document 220M, a telegram from the United States  
4 Ambassador in the Soviet Union to the United States  
5 Secretary of State, dated 24 March 1941.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document  
8 No. 220M will receive exhibit No. 1289.

9 (Whereupon, the document above re-  
10 ferred to was marked prosecution's exhibit  
11 No. 1289 and received in evidence.)

12 MR. C. R. STROOKER: We will now read the  
13 first paragraph only of exhibit No. 1289.

14 "The Ambassador in the Soviet Union (Steinhardt)  
15 to the Secretary of State.

16 "(Paraphrase -- Extracts)

17 "Moscow, March 24, 1941--3 p.m.

18 "(Received March 25--7.30 a.m.)

19 "This morning I was given the opportunity by  
20 invitation of the Japanese Ambassador, to talk with  
21 MATSUOKA for an hour.

22 "MATSUOKA was emphatic in stating that under no  
23 circumstances would Japan attack Singapore or any of  
24 the American, British, or Dutch possessions, and he  
25 was insistent that Japan has no territorial ambitions."



1 "Japan, he said, was ready at any moment to join the  
2 United States in a guarantee of the territorial  
3 integrity or independence of the Philippine Islands.  
4 As an evidence of Japan's lack of territorial  
5 ambitions, MATSUOKA referred to the outcome of his  
6 mediation of the dispute between Thailand and French  
7 Indo-China. He said that Japan would not go to war  
8 with the United States, and added that from his reading  
9 of American history it appeared that it was the  
10 United States which went to war with other countries;  
11 if a conflict should take place it would come about  
12 only as the result of affirmative action by the  
13 United States."

14 We shall now present to the Tribunal a  
15 number of documents, showing how a policy of military  
16 expansion southward was gradually conceived and later  
17 officially adopted by Japan.

18 We respectfully call the Tribunal's attention  
19 to court exhibit No. 979, entitled "The Fundamental  
20 Principle of our National Policy," dated 11 August  
21 1936, and signed by the Prime Minister and the War,  
22 Navy, Finance and Foreign Ministers.

23 We would like to point out that at this time  
24 the accused HIROTA was Prime Minister and the accused  
25 NAGANO was Navy Minister.



1 With the Tribunal's permission we would like  
2 to read the first paragraph only of exhibit 979.

3 THE PRESIDENT: You may.

4 MRS. C. R. STROOKER: Thank you.

5 (Reading): "'The fundamental principle of  
6 our national policy,' (signed by the five Ministers --  
7 the Premier, War, Navy, Finance, and Foreign Ministers--  
8 11 August 1936).

9 "Fundamentals of our National Policy.

10 "I The fundamental principle of administering  
11 the state based on righteousness lies in realizing  
12 the ideal of our national foundation by strengthening  
13 the foundation of our country internally and prospering  
14 externally, thereby making the Japanese Empire develop  
15 into the stabilization Power, nominal and virtual, in  
16 the East Asia, secure peace in the Orient and contribute  
17 to the peace and welfare of mankind throughout the  
18 world. In view of the situation of the Empire, both  
19 home and abroad, to establish the fundamental national  
20 policy consists in securing a steady footing of our  
21 Empire in the Eastern Continent as well as developing  
22 in the South Seas, under the joint efforts of diplomatic  
23 skill and national defense. The general basic principles  
24 are as follows:"

25 I don't think it will be necessary to read them.

1 We offer for identification only, Prosecution  
2 Document 487, a book by the accused HASHIMOTO, entitled  
3 "Addresses to Young Men", published in 1937.

4 We offer in evidence Prosecution Document 487B,  
5 being excerpts from the aforesaid book.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's Document  
8 No. 487 will be given exhibit No. 1290 for identification  
9 only, and the excerpt therefrom, to-wit, Document 487B  
10 will receive exhibit No. 1290A.

11 (Whereupon, Prosecution's Document No.  
12 487 was marked Prosecution's Exhibit No. 1290  
13 for identification. Prosecution's Document 487B  
14 was marked Prosecution's Exhibit No. 1290A, and  
15 was received in evidence.)

16 MRS. STROOKER: We shall now read part of  
17 exhibit 1290A, from the very beginning: "Addresses to  
18 Young Men by HASHIMOTO Kingoro. Chapter VII. The  
19 World's Japan; Japan's World.

20 "We have already said that there are only  
21 three ways left to Japan to escape from the pressure  
22 of surplus population. Our situation is like that of  
23 several dozens of people crammed into a small room of  
24 about sixty feet square. And there are only three doors  
25 of escape left open for us, namely emigration, inroads

1 into world markets, and expansion of territories. The  
2 first door, emigration, has been slammed in our faces  
3 by the anti-Japanese immigration policy of other countries.  
4 The second door, inroads into world markets, also is  
5 being pushed back by high tariff walls, and the abroga-  
6 tion of commercial treaties.

7 "What must Japan do when two of the three doors  
8 have been closed against her?

9 "It is quite a natural force of circumstances  
10 for Japan to rush to the last door remaining open.

11 "It may sound dangerous when we speak of terri-  
12 torial expansion, but the territorial expansion which we  
13 have in mind does not necessarily mean the occupation  
14 of other countries' territories, the planting of the  
15 Japanese flag thereon and the declaration of their annex-  
16 ation to Japan. It simply means that since the powers  
17 of the world have gone too far in suppressing the pene-  
18 tration of Japanese materials and merchandise abroad,  
19 we are looking for a place somewhere beyond the seas  
20 where Japanese capital, skill and labour can have free  
21 play without the oppression of the white race.

22 "We shall be satisfied with this much. What  
23 moral rights have the world powers which have already  
24 closed with their own hands the two doors of emigration  
25 and inroads into world markets to criticize Japan's



attempt to rush out of the third door open to her?

1            "If they do not approve of this, they should  
2 open the doors which they themselves had closed against  
3 us and permit freedom of activity abroad to Japanese  
4 emigrants and merchandise.

5            "Thus, the Manchurian Incident suddenly broke  
6 out in September of Showa 6 /1931/"

7            Now, continue reading from the 16th line from  
8 the bottom of page 2 onward:

9            "Then, suppose there is still on this earth  
10 land endowed with abundant underground natural re-  
11 sources which has not yet been developed at all by the  
12 white race, would it not be God's wishes and Providence's  
13 will for the Japanese to go over there and develop it  
14 for the well-being of mankind?

15            "And there still remain many many lands of  
16 this kind on this earth.

17            "The SOUTH SEAS ISLANDS are one example.

18            "The SOUTH SEAS ISLANDS are located at a very  
19 short distance from the southernmost point of FORMOSA.  
20 They are also located at a point where they can be  
21 reached by motor fishing boats from our SOUTH SEAS  
22 MANDATED ISLANDS.

23            "There are large islands, such as BORNEO,  
24 CELEBES and NEW GUINEA scattered throughout the seas."  
25



1 "We call them islands, but in reality BORNEO and NEW  
2 GUINEA are large islands, larger than the whole of  
3 JAPAN.

4 "The Netherlands is the titular owner of most  
5 of those islands, and thus they are called NETHERLANDS  
6 EAST INDIES. However, what the Dutch have actually  
7 developed is the small island of JAVA only, the other  
8 islands being left almost untouched. The Netherlands,  
9 even if they wished, find their hands full with the  
10 island of JAVA alone, and have no reserve power for  
11 the development of the other islands."

12 "We now continue reading from paragraph 11 on  
13 page 4 onwards:

14 "For this reason we demand lands in the north,  
15 south, east and west of JAPAN where the Japanese people  
16 may freely develop their powers. What we seek is not  
17 nominal territories, but a new land where Japanese  
18 labour and technology and merchandise and capital may  
19 freely display without any persecution their activities  
20 and develop the riches now lying idle. We loudly call  
21 upon the whole world for such lands.

22 "However, let us turn our thoughts to the time  
23 when JAPAN makes up her mind and starts her southward  
24 development. We must be prepared to encounter a great  
25 obstacle lying obstinately in our way. Although the

1 Netherlands owns the greater part of the SOUTH SEA  
2 ISLANDS, the actual power which protects these islands  
3 is the BRITISH EMPIRE, which boasts of the greatest  
4 navy in the world."

5 We now continue to read from the fourth line  
6 on page 5:

7 "Therefore, before we aspire to effect over-  
8 seas development, we must make a great resolution.  
9 If we are thoughtless enough to plan this advance with-  
10 out this preparation, our scheme would show a reckless  
11 failure to understand history.

12 "Nevertheless, we call upon the world for our  
13 right to expand overseas. We demand this because, un-  
14 less we are to starve willy-nilly in this small island  
15 country, the only way out of it is to effect overseas  
16 development by seeking new lands in the wide world  
17 around us.

18 "As already stated the world has no moral  
19 right to deny us this right.

20 "Of course, it would be out of the question  
21 if the Japanese race were an inferior race without the  
22 ability to develop new lands and without the qualifica-  
23 tions to govern. However, the superior ability of the  
24 Japanese race has already been tested."

25 We read from the third line on page 6 onward:

1 "Facts speak most eloquently. It is only  
2 a dream of days gone by that only the white men are  
3 entitled to rule the world. The facts show plainly  
4 which of the two, the white men or the Japanese are  
5 better qualified to develop overseas lands.

6 "Of course, we do not wholly extol our past  
7 rule of KOREA and FORMOSA. There are too many defects  
8 to enumerate here. And yet in spite of these defects  
9 we must say that lands developed and peoples ruled by  
10 such a superior race as the Japanese are fortunate com-  
11 pared with those under the tyrannical rule of the white  
12 men.

13 "We are able to state these facts to the whole  
14 world with no diffidence whatever."  
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1           We offer in evidence prosecution document  
2 1644, being an official declaration by the Japanese  
3 Government on November 3, 1938. At this time the  
4 accused ARAKI, ITAGAKI and KIDO were members of the  
5 Cabinet.

6           THE PRESIDENT: Admitted on the usual terms.

7           CLERK OF THE COURT: Prosecution's document  
8 No. 1644 will receive exhibit No. 1291.

9           (Whereupon, the document above  
10 referred to was marked prosecution's exhibit  
11 No. 1291, and was received in evidence.)

12          MRS. STROOKER: (Reading)

13 "STATEMENT OF THE IMPERIAL JAPANESE GOVERNMENT CON-  
14 CERNING THE FUTURE OF EAST ASIA

15                               "3 November, 1938

16          "By the august virtue of His Majesty, the  
17 Imperial Army and Naval forces have succeeded in oc-  
18 cupying Canton, Wuchang, Hankow, and Haueyang, and the  
19 main territory of China has been conquered. The Na-  
20 tional Government has been reduced to a local regime.  
21 But, as long as the regime continues the anti-Japan  
22 and pro-Communist policy, Imperial Japan will never  
23 lay down arms until the regime is completely destroyed.  
24 The ultimate aim of Imperial Japan is to establish a  
25 New Order which will secure eternal peace in the Far



1 East, and this is the final purpose of the present  
2 war.

3 "The foundation of the New Order can be es-  
4 tablished through the collaboration of Manchukuo and  
5 China with Japan in economics, politics and culture,  
6 based on cooperation and mutual aid. The New Order  
7 should aim at the establishment of international jus-  
8 tice, anti-Communist cooperation, the new culture and  
9 economic unity in the Far East. This is what stabilizes  
10 East Asia and promotes world development. What Japan  
11 expects of China is for her to take partial charge of  
12 the duty of establishing the New Order in the Far East.  
13 Imperial Japan expects the people of China to under-  
14 stand Japan's sincerity and reply to Japan by giving  
15 her cooperation. In case the National Government  
16 starts its life anew by casting away the old policies  
17 and changing its staff, it will not be refused entry  
18 into the camp of the New Order.

19 "Because Imperial Japan believes that the  
20 powers will rightly understand Japan's intentions and  
21 that they will change their attitude in order to suit  
22 the situation in East Asia, Japan is especially grate-  
23 ful for the kindness of the Allied Nations.

24 "Believing that the establishment of the New  
25 Order in the Far East is originating from the spirit

1 of the national foundation, the completion of the task  
2 is the glorious mission imposed on the people of Japan.  
3 Imperial Japan should take firm steps to renovate the  
4 various internal systems, to develop the total power  
5 of the nation and should advance to attain the mention-  
6 ed purpose.

7 . "This is the unmovable principle and resolu-  
8 tion of the Imperial Government."  
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1 THE PRESIDENT: Mr. Logan.

2 MR. LOGAN: If the Tribunal please, on  
3 behalf of defendant KIDO I call your attention to  
4 the fact that the certificate attached to this docu-  
5 ment just read shows that it was found in the Foreign  
6 Ministry. In General Mulder's opening statement,  
7 he said, on page 5, "In November 1938, the first  
8 KONOYE Cabinet issued the official declaration."

9 I wish to call the Tribunal's attention to  
10 the fact there is nothing in this document which  
11 shows it was issued by the Cabinet.

12 THE PRESIDENT: We note what you say, Mr.  
13 Logan, without necessarily agreeing with it.

14 MRS. STROOKER: The Tribunal's attention is  
15 invited to Court exhibit 509, being a report on a  
16 visit by the accused OSHIMA and General TERAUCHI to  
17 German Headquarters in September 1939. On this  
18 occasion the accused OSHIMA gave as his opinion that  
19 Japan was now ready for an advance to the south.

20 We invite the Tribunal's attention to  
21 exhibits 517, 518 and 519, being telegrams exchanged  
22 between the German Ambassador in Tokyo and the German  
23 Foreign Minister in May 1940. In these telegrams  
24 the German Ambassador reported that he had explained  
25 to the Japanese Government that Germany was not



1 interested in the Netherlands Indies, and he further  
2 stated that this declaration by Germany was considered  
3 by the Japanese press as a "carte blanche" for Japan.

4 The Tribunal's attention is called to Court  
5 exhibit 523, being a telegram from the German  
6 Ambassador in Tokyo to the German Foreign Minister,  
7 dated 24 June 1940. The German Ambassador reported  
8 that the Japanese Minister for Overseas Affairs, the  
9 accused KOISO, had enquired from him what Germany's  
10 attitude would be to military activity by Japan in  
11 Indo-China and parts of the Netherlands Indies.

12 The Tribunal's attention is invited to  
13 Court exhibits 527 and 528, being the minutes of a  
14 joint conference of Army, Navy and Foreign Office  
15 authorities on 12 and 16 July 1940, in which Japan's  
16 attitude toward the southern regions and Japan's  
17 future domination of these areas were extensively  
18 discussed.

19 THE PRESIDENT: Captain Brooks.  
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1 MR. BROOKS: If the Tribunal please, in re-  
2 gard to the Minister of Overseas Affairs, KOISO, I  
3 would like to state that on page 6 of the opening  
4 statement, document No. 6912 of the prosecution, I  
5 think the Court may have judged the way it was re-  
6 ferred to that "the Minister of Overseas Affairs, the  
7 accused KOISO, inquired again what Germany's atti-  
8 tude..." I don't think the "again" referred to Gen-  
9 eral KOISO, but to a previous paragraph. But to  
10 avoid any misunderstanding I waited until it was  
11 raised at this time by reference to the document,  
12 which is the only document in question, and call the  
13 Court's attention to page 6165 of the proceedings,  
14 page 6175 and also 6826 where that was discussed  
15 fully in a previous case with the prosecution's side.  
16 It will be recalled that there was confusion of the  
17 Foreign Ministry and Ministry of Overseas Affairs. It  
18 was also pointed out that KOISO was in retirement as  
19 a private citizen at that time.

20 MRS. STROOKER: Your Honor, I am instructed  
21 to deny that KOISO was a private citizen at that time.  
22 He was Minister of Overseas Affairs.

23 Referring to exhibit 523, which is dated the  
24 24th of June 1940, in paragraph 2: "The Minister of  
25 Overseas Affairs, General KOISO, asked me in a

1 conversation..." He was Minister of Overseas Affairs  
2 until 22 July.

3 MR. BROOKS: I see no---

4 THE PRESIDENT: Well now, we are not going  
5 to have any debate about it. You can prove otherwise  
6 in the course of the evidence for the defense. You are  
7 not going to take over the prosecution.

8 MR. BROOKS: I don't want to debate about it,  
9 your Honor, I just call reference to those pages that  
10 I gave. Our position is clear.  
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1 THE PRESIDENT: Mrs. Strooker.

2 MRS. STROOKER: The next five documents, which  
3 we will introduce in evidence, deal with a proposal by  
4 the American Government to the Japanese Government  
5 in June 1940, that a formal declaration be made  
6 that neither Japan nor the United States should allow  
7 a change in the status quo in the southern Pacific  
8 and the reasons why Japan refused to make such a  
9 formal declaration.

10 We offer in evidence prosecution document  
11 220-R, being a telegram from the United States  
12 Secretary of State to the United States Ambassador  
13 in Japan, dated 22 June 1940.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document  
16 No. 220-R will receive exhibit No. 1292.

17 (Whereupon, the document above  
18 referred to was marked prosecution's exhibit  
19 No. 1292, and was received in evidence.)

20 MRS. STROOKER: We will now read exhibit  
21 1292.

22 "Foreign Relations of the United States.  
23 Japan, 1931-1941. Pages 86-87.

24 "The Secretary of State to the Ambassador  
25 in Japan (Grew). (Paraphrase) "



1 "Washington, June 22, 1940 - noon.

2 "Unless you perceive any objection, it is  
3 my desire that at an early moment you call upon the  
4 Foreign Minister and in strictest confidence explore  
5 with him in continuation of your conversations of  
6 June 10 and June 19, the question of possibly  
7 arriving at an understanding between the American  
8 Government and the Japanese Government through an  
9 exchange of notes along the following lines:

10 "The interest of both countries in keeping to  
11 a minimum the adverse effects of the war in Europe  
12 is the basis upon which the understanding would be  
13 premised. The understanding would refer to this  
14 interest. In the proposed notes there would be  
15 expressed the agreement between the Government of the  
16 United States and the Japanese Government that they  
17 have a common desire that the status quo, except as  
18 it may be modified by peaceful means, be maintained  
19 with regard to the possessions and territories of  
20 belligerent European powers in the Pacific area.  
21 There might also be in the proposed notes a provision  
22 for consultation between the Governments of the two  
23 countries should any question arise involving the  
24 status quo in respect to the Pacific possessions and  
25 territories of belligerent European powers which



1 renders consultation desirable in the opinion of  
2 either the Japanese Government or the Government of  
3 the United States.

4 "In the proposed exchange of notes this  
5 Government envisages and would understand the phrase  
6 relating to possessions and territories in the Pacific  
7 area of belligerent European powers to cover and  
8 include their possessions and territories in all parts  
9 of the Pacific Ocean.

10 "This suggestion relates to a particular and  
11 definite problem, that of averting an introduction of  
12 new complications and new possibilities of difficulty  
13 and friction into the general situation in the  
14 Pacific. As you will realize and will keep constantly  
15 in mind, it does not involve and should not be inferred  
16 to imply any withdrawal from positions heretofore  
17 taken regarding any specific problems in the relation-  
18 ships between the two countries. It is intended as  
19 a preventive rather than a curative measure. At  
20 the same time, it is our belief, and we hope it will  
21 be that of the Japanese, that the possibility of  
22 contributing substantially toward making situations  
23 better is within procedures which tend to prevent  
24 situations from becoming worse. If adopted, we  
25 believe this procedure would tend to turn public

1 thought toward consideration of peaceful and cons-  
2 tructive processes. It would tend to dissipate  
3 various suspicions which apparently prevail among the  
4 public and to curtail various types of inflammatory  
5 discussion and agitation. It would take care of the  
6 particular present and future problem to which it  
7 would expressly relate, and, although it would in no  
8 way dispose of the many and various specific questions  
9 which have been and are the subject matter of current  
10 and past discussion between our two Governments, it  
11 might facilitate solution of some of them.  
12

13 "Hull."

14 We introduce in evidence prosecution docu-  
15 ment 220-S, being a memorandum by the United States  
16 Ambassador in Japan, dated 24 June 1940.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document  
19 No. 220-S will receive exhibit No. 1293.

20 (Whereupon, the document above  
21 referred to was marked prosecution's exhibit  
22 No. 1293, and was received in evidence.)

23 MRS. STROOKER: We will now read exhibit 1293.

24 "Foreign Relations of the United States.  
25 Japan, 1931-1941. Pages 88-89.

"Memorandum by the Ambassador in Japan (Grew).

1           "(Tokyo) June 24, 1940.

2           "When I called on the Foreign Minister at  
3 11 o'clock this morning at the private house of a  
4 common friend, we discussed in strictest confidence  
5 the suggestion proposed in the Department's telegram  
6 No. 215, June 22, noon, with reference to an exchange  
7 of notes regarding upholding the status quo with  
8 regard to the Pacific territories and possessions of  
9 belligerent European countries.

10           "The Minister gave his close attention to  
11 the diverse points in my oral argument and all the  
12 questions he put to me were covered in the Department's  
13 instructions. When asked whether the Pacific  
14 mandated islands were included in our proposal, I  
15 answered that if he desired I would submit the point  
16 to my Government, but he did not pursue the subject.

17           "The Minister said finally that the sug-  
18 gestion would be given his close study and that he  
19 would reply soon. He stated further that, unless  
20 a number of the many outstanding differences between  
21 the United States and Japan were first solved, he,  
22 offhand, and in his own opinion, thought that the  
23 suggestion might be difficult to accept. When asked  
24 to which difficulties he referred in particular,  
25 the Minister replied that the absence of a commercial



1 treaty was the outstanding difficulty.

2 "In view of some of his comments I made  
3 clear at the conclusion of our talk that our present  
4 proposal must not be misunderstood to imply any  
5 retreat from positions previously held regarding any  
6 particular problems between Japan and the United  
7 States, but I added that I found it significant in  
8 my own opinion that our exploration today was  
9 regarded by my Government as the continuance of the  
10 conversations of June 10 and 19, which were entered  
11 into with the express intent of discovering means to  
12 ameliorate American-Japanese relations.

13 "Mr. ARITA said that the Japanese press must  
14 have called my attention to the trend of public  
15 opinion in Japan, which was strongly for closer  
16 relations with Germany and Italy and was continually  
17 growing in strength. He claimed that he was personally,  
18 as I well knew, in favor of a rapprochement with the  
19 United States, but that the situation today opened  
20 him to severe criticism, and that the problem was  
21 extremely difficult.

22 "J(oseph) C. G(rew)."

23 We offer in evidence prosecution document  
24 1632-FF, being the entry for 27 June 1949 in the  
25 diary of the accused KIDO, exhibit 178 for



1 identification.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document  
4 No. 1632-FF will receive exhibit No. 1294.

5 (Whereupon, the document above  
6 referred to was marked prosecution's exhibit  
7 No. 1294, and was received in evidence.)

8 MRS. STROOKER: We will now read a part  
9 of exhibit 1294.

10 "KIDO's Diary. 27 June, 1940 (Thurs.), Rainy.

11 "Finance Minister SAKURAUCHI called and  
12 opinions were exchanged on the strengthening of the  
13 political structure and other problems.

14 "Went to the office at 10:00 where  
15 Mr. OKANE, Chief of the General Affairs Section, came  
16 to me for consultation upon the matter of the Emperor's  
17 visit to HAYAMA.

18 "Talked to Chief Secretary, MATSUDAIRA,  
19 regarding the procedure at the time of the Cabinet  
20 change. Foreign Minister, ARITA, came to the  
21 Palace and we had a talk as follows:

22 "Ambassador Grew recently requested a meeting,  
23 saying that he has a proposal for a treaty, which  
24 it is desired to conclude, between Japan and America,  
25 which will maintain the status quo in the Pacific and

1 prevent forceful changes. However, since it is an  
2 extremely delicate matter and since it would be in-  
3 advisable at this time to have Japan's activities,  
4 including those in the Netherlands, restricted and  
5 since it will probably end in something like a revival  
6 of the Nine-Power Treaty, prompt acceptance will be  
7 difficult. If it were limited to the question of  
8 Japanese and American Pacific Islands it might  
9 possibly be considered."



1 MRS. STROOKER: We offer in evidence prose-  
2 cution document 1632 GG, being the entry for July 1,  
3 1940, in the diary of the accused KIDO, exhibit 178  
4 for identification.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document  
7 No. 1632 GG will receive exhibit No. 1295.

8 (Whereupon, the document above referred  
9 to was marked prosecution's exhibit No. 1295 and  
10 received in evidence.)

11 MRS. STROOKER: We will now read a part of  
12 exhibit 1295:

13 "1 July 1940 Monday (fine)

14 "SURITATE visited me at 9 a.m. Went to the  
15 office at ten. The Aide-de-Camp came to see me. He  
16 told me the Army's advocacy and views regarding Foreign  
17 Minister ARITA's broadcast which was featured in this  
18 mornings papers.

19 "Audience from 10:35 to 11:10.

20 "Replied to the Emperor's questions as to the  
21 actual facts about the Foreign Minister's broadcast and  
22 other things.

23 "At 11:20 talked again with the Aide-de-Camp  
24 on the same matter. Before attending the luncheon held  
25 by the Manchukuo Emperor I had a talk with the Foreign

1 Minister ARITA and heard from his own lips the truth  
2 about the broadcast. After luncheon we met again and  
3 the Foreign Minister discussed the following matters:

4 "1. The circumstances of the ARITA broad-  
5 cast.

6 "2. The tense situation in Hongkong and so  
7 forth -- in regard to this the real facts are not yet  
8 clear.

9 "3. Concerning the matter of the status  
10 quo in the Pacific proposed by Ambassador Grew, his  
11 idea is that the time is not appropriate for a settle-  
12 ment regarding territories which would include those  
13 of the belligerent nations. However, if it were limited  
14 to matters between Japan and America it could be con-  
15 sidered."

16 We introduce in evidence prosecution docu-  
17 ment 220T being an oral statement by the Japanese  
18 Minister for Foreign Affairs to the United States  
19 Ambassador to Japan on 28 June 1940 as reported by  
20 the Ambassador.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document  
23 No. 220T will receive exhibit No. 1296.

24 (Whereupon, the document above referred  
25 to was marked prosecution's exhibit No. 1296 and  
received in evidence.)



1 MRS. STROOKER: We will now read parts of this  
2 document:

3 "Oral Statement by the Japanese Minister for  
4 Foreign Affairs (ARITA) to the American Ambassador in  
5 Japan (Grew).

6 "Tokyo, June 28, 1940.

7 "I have given the most careful study to the  
8 proposal which Your Excellency set forth at our meeting  
9 on June 24. In view of present international condi-  
10 tions, however, I doubt whether consideration should  
11 be given to an exchange of formal notes between our two  
12 countries on the basis of a policy of giving effect  
13 directly to this proposal. In Europe at the present  
14 time hostilities are progressing. Japan is greatly  
15 concerned with the effect which the development of the  
16 hostilities will have on the status of the possessions  
17 and territories in the Pacific area of European  
18 belligerent nations. Under this situation, during a  
19 transitionary period, for the United States and Japan,  
20 which countries are not belligerents, to conclude any  
21 sort of an agreement concerning these possessions and  
22 territories would, it must be feared, give rise to very  
23 delicate relationships for Japan which has taken a  
24 position of non-involvement. I am, therefore, endeavor-  
25 ing at this time to offset and to prevent the spread

1 of the European disturbance to the Pacific Ocean and  
2 With that purpose in mind and from that point of view,  
3 I believe it to be timely and appropriate to consider  
4 whether or not there is no room for discussions of  
5 problems concerning only the United States and Japan.

6 "As I stated on the 24th, however, we cannot  
7 consider the American proposal dissociated from con-  
8 versations which have been held hitherto, and in order  
9 to make further progress in our conversations concern-  
10 ing your proposal I believe it to be necessary in  
11 the first place to be informed of your Government's  
12 views with regard to the statements set forth in my  
13 oral statement dated June 12th."

14 The Tribunal's attention is invited to  
15 Court Exhibit 541 containing a Cabinet decision of  
16 26 July 1940. This decision is an outline of Japan's  
17 basic national policy. I may point out that on  
18 22 July 1940 the YONAI Cabinet had been replaced by  
19 the Second KONOYE Cabinet of which the accused  
20 HOSHINO and TOJO, and at a later stage also the accused  
21 HIRANUMA and SUZUKI were members.

22 Following the Cabinet decision of 26 July  
23 1940, contained in Exhibit 541, the Japanese Govern-  
24 ment published an official announcement regarding the  
25 basic Japanese Government policy on August 1, 1940,



1 and the new Foreign Minister MATSUOKA issued a  
2 declaration on the same subject. These two statements  
3 are contained in prosecution document 823B (4), being  
4 excerpt from court exhibit 777 for identification.

5 We offer prosecution document 823B (4) in  
6 evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document  
9 No. 823B (4) will receive exhibit No. 1297.

10 (Whereupon, the document above referred  
11 to was marked prosecution's exhibit No. 1297 and  
12 received in evidence.)

13 MRS. STROOKER: We will now read parts of  
14 exhibit 1297, top of page 1:

15 "Foreign Office Announcements 1940:

16 "August 1, 1940. Announcement by the Japanese  
17 Government.

18 "The world stands at a great historic turn-  
19 ing point, and it is about to witness the creation of  
20 new forms of government, economy, and culture, based  
21 upon the growth and development of sundry groups of  
22 states. Japan, too, is confronted by a great trial  
23 such as she has never experienced in history. In order  
24 to carry out fully at this juncture our national policy  
25 in accordance with the lofty spirit in which the

1 country was founded, it is an important task of urgent  
2 necessity to us that we should grasp the inevitable  
3 trends in the developments of world history, effect  
4 speedily fundamental renovations along all lines of  
5 government, and strive for the perfection of a state  
6 structure for national defense. Accordingly, the gen-  
7 eral lines of the country's fundamental national  
8 policies have been formulated as follows:

9 "Summary of Fundamental National Policies.

10 "1. Basic Policy.

11 "The basic aim of Japan's national policy lies  
12 in the firm establishment of world peace in accordance  
13 with the lofty spirit of HAKKO ICHIU, in which the  
14 country was founded, and in the construction, as the  
15 first step, of a New Order in Greater East Asia, having  
16 for its foundation the solidarity of Japan, Manchukuo  
17 and China.

18 "Japan will, therefore, devote the total  
19 strength of the nation to the fulfillment of the above  
20 policy by setting up swiftly an unshakable national  
21 structure of her own adapted to meet the requirements  
22 of new developments both at home and abroad."

23 We will now continue to read from the  
24 bottom of page 3:

25 "August 1, 1940. Statement of Mr. Yosuke



1 MATSUOKA, Minister for Foreign Affairs.

2 "I have always said that the mission of Japan  
3 is to proclaim and demonstrate the KODO throughout  
4 the world. Viewed from the standpoint of internation-  
5 al relations, this amounts, I think, to enabling all  
6 nations and races to find each its proper place in the  
7 world. Accordingly, the immediate aim of our foreign  
8 policy at present is to establish, in accordance with  
9 the lofty spirit of the KODO, a great East Asian chain  
10 of common prosperity with the Japan-Manchoukuo-China  
11 group as one of the links. We shall thus be able to  
12 demonstrate the KODO in the most effective manner, and  
13 pave the way toward the establishment of an equitable  
14 world peace. We should be resolved to surmount all  
15 obstacles, both material and spiritual, lying in our  
16 path. Furthermore, in concert with those friendly  
17 Powers which are prepared to co-operate with us, we  
18 should strive with courage and determination for the  
19 fulfillment of the ideal and the heaven-ordained  
20 mission of our country."

21 The Tribunal's attention is invited to  
22 exhibits 550 and 552, containing Foreign Minister  
23 MATSUOKA's explanation regarding the conclusion of  
24 the Tripartite Pact for the Council in the Imperial  
25 Presence and the minutes of the meeting of the Privy

1 Council Investigation Committee on 26 September 1940,  
2 discussing this same treaty. In both exhibits the  
3 boundaries of the Greater East Asia Co-prosperity  
4 Sphere, over which Japan would exert leadership,  
5 are outlined by Foreign Minister MATSUOKA. The whole  
6 southern area, including the Netherlands Indies, is  
7 stated to fall within this Co-prosperity Sphere under  
8 the leadership of Japan.

9 The Tribunal's attention is called to Court  
10 exhibit 861, being a Japanese Government Cabinet  
11 decision of 3 October 1940, concerning the economic  
12 measures to be taken for the organization of the Co-  
13 prosperity Sphere and for the expansion of this Sphere  
14 to southeastern Asia and the southern areas.

15 To show that at this time consideration was  
16 given to an expansion through military aggression south-  
17 ward we offer in evidence prosecution document 1632HH,  
18 being the entry for 10 August 1940 in the accused  
19 KIDO's Diary, exhibit 178 for identification.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document  
22 No. 1632HH will receive exhibit No. 1298.

23 (Whereupon, the document above referred  
24 to was marked prosecution's exhibit No. 1298 and  
25 received in evidence.)

1 MRS. STROOKER: (Reading)

2 "10 August 1940 (Saturday) (Cloudy - rainy).

3 "Went to the office at eleven.

4 "At 11:30 conferred with chief Aide-de-Camp  
5 re the progress of the campaign against the Chungking  
6 regime since the last time.

7 "At 1:45 was received in audience.

8 "The Emperor told me what he and Prince  
9 FUSHIMI, Chief of the Navy General Staff, had talked  
10 about when they dined together. The Prince said  
11 that the Navy at present wishes to avoid the use of  
12 force against the Netherlands Indies and Singapore,  
13 and that, since at least eight months will be required  
14 for preparation after a decision for war is made, the  
15 later war comes the better."

16 We invite the Tribunal's attention to court  
17 exhibit 628, containing four separate documents, of  
18 which the first is dated 28 September 1940 and entitled  
19 "Outline of Japanese Foreign Policy," and the second one  
20 is dated 4 October 1940 and entitled "Tentative Plan  
21 for Policy Toward the Southern Regions." As only a  
22 few parts of these documents have been read, we will  
23 now, with the Tribunal's permission, read further parts  
24 from them.  
25



1 We will begin reading at the middle of  
2 page 1:

3 "TOP SECRET. Outline of Japanese Foreign  
4 Policy. (28 Sept. 1940).

5 "A Policy. We must promptly strengthen  
6 the coalition between Japan and the German-Italian  
7 Axis based on the world policy, and make, further-  
8 more, a rapid improvement in and adjustment of the  
9 Japanese-Soviet diplomatic-relations. At the same  
10 time we must make effort to realize the general peace  
11 between Japan and China by making use of the pressure  
12 of Germany and the Soviet Union, and, thereby, prompt  
13 the establishment of the Greater East Asia Co-Prosper-  
14 ity Sphere. Giving pressure, in this way, to the  
15 Anglo-American Axis, accompanying the intensification  
16 of Japan's diplomatic machinery, we should offer our  
17 good offices at a proper time to Britain in order that  
18 she may make peace with Germany, and, moreover, we  
19 should carry out an epoch-making adjustment of Japanese-  
20 American diplomatic relations. Thus, we expect to es-  
21 tablish a peaceful system among Japan, Germany, Italy,  
22 the Soviet Union, America and Britain for the recon-  
23 struction of world peace.

24 "Outline of the plan

25 "I. Strengthening of coalition between Japan



and the German-Italian Axis.

"Should be carried out according to the decision made by the council in the Imperial presence on Sept. 18, and the Tripartite Alliance among Japan, Germany and Italy on Sept. 27.

"II. Adjustment of Soviet-Japanese Diplomatic Relations.

"Should be carried out according to 'Draft Plan for Adjustment of Soviet-Japanese Diplomatic Relations' in the accompanying paper.

"III. Establishment of general Peace between Japan and China.

"Should be carried out according to 'the Policy of Rapid Disposition of the China Incident' in the accompanying paper.

"IV. Establishment of the Greater East Asia Co-Prosperity Sphere.

"(1) In the regions including French Indo-China, Dutch East Indies, Strait Settlement, British Malaya, Thailand, the Philippine Islands, British Borneo and Burma, with Japan, Manchukuo and China as centre, we should construct a sphere in which politics, economy and culture of those countries and regions are combined.

"(a) French Indo-China and Dutch East Indies."

1 "We must, in the first place, endeavor to  
2 conclude a comprehensive economic agreement (including  
3 distribution of resources, trade adjustment in and out  
4 of the Co-Prosperity Sphere, currency and exchange  
5 agreement, etc.), while planning such political coal-  
6 itions as the recognition of independence, conclusion  
7 of mutual assistance pact, etc.

8 "(b) Thailand. We should strive to  
9 strengthen the mutual assistance and coalition in  
10 political, economic, and military affairs.

11 "(2) Towards the countries outside the Co-  
12 Prosperity Sphere, we must take every measure so that  
13 those countries will admit the establishment of our  
14 'Co-Prosperity Sphere' and co-operate with it."

15 THE PRESIDENT: We will recess now for fifteen  
16 minutes.

17 (Whereupon, at 1445, a recess was  
18 taken until 1500, after which the proceed-  
19 ings were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mrs. Strooker.

4 MRS. STROOKER: We were reading exhibit  
5 628. I ask to be allowed to continue on page 4, the  
6 second plan. (heading):

7 "Very Secret. Tentative Plan for Policy towards  
8 the Southern Regions. October 4, 1940.

9 "Although the objective of Japan's penetration  
10 into the Southern regions cover, in its first stage,  
11 the whole area to the west of Hawaii excluding for  
12 the time being the Philippines and Guam; French  
13 Indo-China, the Dutch East Indies, British Burma and  
14 the Strait Settlements are the areas where we should  
15 first control. Then, we should gradually advance  
16 into the other areas. However, depending upon the  
17 attitude of the United States Government, the  
18 Philippines and Guam will be included."

19 We will continue to read from the second  
20 paragraph on page 6 of the English text onward:

21 "(3) British Malaya and the Strait Settlements.

22 "(a) To avoid the danger that the natural re-  
23 sources in the Dutch East Indies may be destroyed,  
24 within the possible limits of war strategy, we should  
25 use military power in these areas prior to using it



1 in the Dutch East Indies. (There is a necessity that  
2 we investigate the strength of Singapore, and also in  
3 case we lay our hands on one of the British ter-  
4 ritories, whether or not we are strategically forced  
5 to extend to the other British territories immediately  
6 after.)

7       "(b) We should conclude a military alliance with  
8 Thailand, and use Thailand as a rear base. However,  
9 in order to delay her in making preparations, it is  
10 well to pretend that the diplomatic relations between  
11 Japan and Thailand are not secure until we start  
12 military action. (In case we consider that the mili-  
13 tary alliance cannot be kept in strict secrecy because  
14 of the internal affairs of Thailand, there is room  
15 for consideration that we should set up a secret com-  
16 mittee based on the non-aggression treaty between  
17 Japan and Thailand to enable us to enter into a  
18 military alliance as soon as we start military action.)

19       "(c) Military operations shall be started simul-  
20 taneously with German military operations to land on  
21 the British mainland or after the lapse of a proper  
22 period. However, we must maintain close contact with  
23 Germany, keeping her to act in concert with us.

24       "In case Germany gives up her intention to land  
25 on the British mainland, we, maintaining liaison with

1 Germany, should start our military operations at the  
2 time when Germany carries out her most severe battle,  
3 or when an appropriate period has passed after that.  
4 In case Britain should yield to Germany prior to the  
5 common cement of our military action, even though  
6 the internal situation is not favorable to Japan, we  
7 must at least by diplomatic means, on the occasion of  
8 peace between Britain and Germany, make Britain re-  
9 move the defense installations on Singapore and make  
10 her conclude an economic treaty with Japan which will  
11 be advantageous to Japan.

12 "(d) In case we are forced to act without  
13 relation with our plans in regard to Chiang Kai-shek,  
14 by using the pretext that Britain is aiding Chiang  
15 Kai-shek by the Burma route, and in case the plans  
16 have proved to be a success, by using the pretext  
17 that we cannot stand the Oriental peace being  
18 threatened by the British military forces based in  
19 Singapore, we should request Britain to return  
20 Hong Kong, British Malaya, and the Strait Settlements  
21 (including British Borneo depending upon the circum-  
22 stances) to the races in East Asia and upon her re-  
23 fusal, start war. (The above pretexts hamper in some  
24 ways our relations with the United States, but it is  
25 likely that something which we can use as a direct



1 reason, will rise by that time.)

2       "(e) Following the case of French Indo-China, the  
3 former territory of Thailand shall be returned to  
4 Thailand and the other regions shall be made pro-  
5 tectorates. But the Strait Settlements must be  
6 placed under the direct rule of Japan.

7       "(f) In the newly established independent  
8 countries the enterprise rights of the nationals of the  
9 third countries with which we are at peace shall  
10 follow the case in French Indo-China.

11       "(4) Dutch East Indies.

12       "(a) While the attack on Singapore is going on,  
13 or immediately after it, by showing at the proper  
14 time our state for attacking the Dutch East Indies,  
15 we should present the following requests, and if they  
16 are not admitted, we should use military power.

17       "(i) As the Dutch Government in England, which  
18 the Dutch East Indies considers to be its suzerain,  
19 does not exist according to international law, the  
20 Dutch East Indies shall at once declare its in-  
21 dependence for the peace of Greater East Asia, and  
22 announce an appropriate name for itself.

23       "(ii) The sovereign and the constitution shall  
24 be decided by a committee consisting of several  
25 Japanese, Dutch people born there, natives, and



1 Chinese. (It must be so arranged that the total  
2 number of the Japanese and natives number more than  
3 half of the committee.) Until the sovereign and the  
4 constitution are decided, this committee shall carry  
5 out the administration.

6 "(iii) The Governor-General and all other  
7 Dutch officials of the highest rank shall be forced  
8 to resign. But their official titles, honors and  
9 pay should be left as they are. The position of the  
10 Dutch people other than the aforementioned will be  
11 recognized as they are.

12 "(iv) If any of the important natural resources  
13 should be destroyed, all the persons connected with the  
14 raw material, ten government officials concerned,  
15 shall be severely punished as being the responsible  
16 persons. (This matter should be announced widely be-  
17 forehand by radio and other means.)

18 "We should, if possible, at a proper time before  
19 presenting the aforementioned requests, cause an in-  
20 dependence movement to stir up among the natives.

21 "(b) If it is considered a better plan from  
22 the viewpoint of strategy that we act first with the  
23 Dutch East Indies, the time to start the activity  
24 against this area would be at the same time as the  
25 opening of Germany's military operation to land on

1 the British mainland, or after the lapse of a proper  
2 period.

3 "In case that Germany gives up her intention to  
4 land on the British mainland, we should start action,  
5 choosing an appropriate time before Britain and Ger-  
6 many cease hostilities.

7 "(c) After the Dutch East Indies become in-  
8 dependent, we must conclude a protective treaty under  
9 the name of military alliance, and make her appoint  
10 Japanese military and economic advisers who will be  
11 in powerful positions. We must lease the places which  
12 are important from the military point of view.

13 "(d) The enterprise rights of the nationals of  
14 the third countries with which we are at peace shall  
15 follow the case in French Indo-China."

16 With the Tribunal's permission, we will  
17 turn back to Page 5 to read the paragraph referred  
18 to here, which is paragraph (d), near the middle of  
19 that page:

20 "(d) In the new independent States, the right  
21 of enterprise for the nationals of the third countries  
22 with which we are at peace will be recognized. But,  
23 they will have to follow the Government's instructions  
24 in developing important resources, and in disposing of  
25 the products."



1 We will now continue to read where we left  
2 off near the middle of Page 9:

3 "(5) British Bornero and Others.

4 "(a) After we have grasped real power in the  
5 Dutch East Indies and Singapore, we must take proper  
6 measures to get hold of real power in other British  
7 territories.

8 "(b) Hongkong is to be returned to China.  
9 (However, if it is important strategically, it shall  
10 be reconsidered.)

11 "(c) Following what has been stated about French  
12 Indo-China, the Dutch East Indies, Malaya, etc., we  
13 shall consider locally the administrative system in  
14 each place.

15 "(6) Australian Territories.

16 "To be considered separately."

17 We present for identification only prosecu-  
18 tion document 587, being an issue of the Yomiuri  
19 newspaper for 27 October 1940. The Tribunal's per-  
20 mission is requested to substitute a photostat copy  
21 of the newspaper exhibit for the original, which has  
22 been tendered in evidence, as the original document  
23 should, if possible, be returned to its owner.

24 CLERK OF THE COURT: Prosecution's document  
25 No. 587 will receive exhibit No. 1299, for identification



1 only.

2 (Whereupon, the document above re-  
3 ferred to was marked prosecution's exhibit No.  
4 1299 for identification.)

5 MRS. STROOKER: An excerpt from this news-  
6 paper, prosecution document 587-A, being an article  
7 by the accused OSHIMA, is offered in evidence.

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1 THE PRESIDENT: Mr. Cunningham.

2 MR. CUNNINGHAM: If the Tribunal please, I  
3 would like to object to the introduction of this  
4 document for the reason that it is not an article  
5 written by the defendant OSHIMA, in the first place,  
6 and in the second place, is that it is not an  
7 official document of the Japanese government. I ask  
8 that its reception be deferred until the party making  
9 the certificate can be called for cross-examination  
10 to testify as to the conditions under which the  
11 article was created, for the following reason: that  
12 it arose while the defendant was in retirement and  
13 held no official position in the Japanese govern-  
14 ment. I should like to have the editor of the paper  
15 who made the certificate here for cross-examination  
16 before it is received in evidence.

17 MRS. STROOKER: Your Honor, I would re-  
18 quest to be allowed to read the certificate attached  
19 to the excerpt.  
20

21 THE PRESIDENT: Before you do so, of  
22 course it isn't necessary that an accused should  
23 be a government official. A man can conspire in  
24 his private capacity. You may read the certificate.

25 MRS. STROOKER (Reading):

"AFFIDAVIT



1 "I, Yusai TAKAHASHI, certify that from 1933  
2 until December 1945 I was editor-in-chief of the  
3 'Yomiuri Shinbun' and that I recognize the  
4 attached International Prosecution Section document  
5 number 587A as an article written under the name  
6 of Hiroshi OSHIMA appearing in the Yomiuri Shinbun  
7 of October 27, 1940.

8 "I further certify that the above mentioned  
9 article was published under the name of Hiroshi  
10 OSHIMA with his consent."

11 Signed Yusai TAKAHASHI.

12 I submit, your Honor, that with that certifi-  
13 cate the burden of proof is upon the defense if  
14 they wish to call the certifier to prove.

15 THE PRESIDENT: It is quite a common thing  
16 if an affidavit is used by one side for that side  
17 to be compelled to produce the deponent for cross-  
18 examination. Mr. Cunningham is within his rights.  
19 We will consider whether we will call him or not.  
20 The document is admitted on the usual terms.

21 Will the court reporter please read what Mr.  
22 Cunningham said about OSHIMA's attitude towards  
23 that article?  
24

25 ("hereupon, the official court  
reporter read Mr. Cunningham's remarks,



as follows:)

"MR. CUNNINGHAM: If the Tribunal please, I would like to object to the introduction of this document for the reason that it is not an article written by the defendant OSFIMA, in the first place, and in the second place, is that it is not an official document of the Japanese government. I ask that its reception be deferred until the party making the certificate can be called for cross-examination to testify as to the conditions under which the article was created, for the following reason: that it arose while the defendant was in retirement and held no official position in the Japanese government. I should like to have the editor of the paper who made the certificate here for cross-examination before it is received in evidence."

THE PRESIDENT: Mr. Cunningham, we would like to know whether you are denying the truth of the certificate, whether you allege the certificate contains a false statement, and if so, where is the false statement.

MR. CUNNINGHAM: I might explain that by stating the circumstances that --

THE PRESIDENT: I want you to answer that.

MR. CUNNINGHAM: I claim the certificate

1 doesn't go far enough.

2 THE PRESIDENT: You don't deny any state-  
3 ment in it?

4 MR. CUNNINGHAM: It is -- I only state  
5 that it is misleading and I would like to explain  
6 it.

7 THE PRESIDENT: There is nothing to explain,  
8 as far as I can see. The deponent says he recog-  
9 nizes the document as an article written under the  
10 name of OSHIMA, and then he goes on to say he certi-  
11 fies that the article was published under the name  
12 of OSHIMA, with his consent. You don't deny the  
13 truth of that, so why do you want him called for  
14 cross-examination?

15 MR. CUNNINGHAM: It is my thought that it  
16 would affect the probative value of the document,  
17 that if I stated that a newspaper reporter went to  
18 his home and asked him for an interview and pub-  
19 lished the results of the interview.

20 THE PRESIDENT: Well, it's not a case for  
21 calling the deponent for cross-examination, but  
22 there is nothing to prevent OSHIMA from going into  
23 the box and giving his version of the interview, of  
24 course, but not while the prosecution are putting  
25 their case. So the application to have him called



1 for cross-examination is dismissed.

2 CLERK OF THE COURT: Prosecution's docu-  
3 ment No. 587-A, which is excerpt from exhibit No.  
4 1299, will be given exhibit No. 1299-A.

5 (Whereupon, the document above re-  
6 ferred to was marked prosecution's exhibit  
7 No. 1299-A and received in evidence.)

8 MRS. STROOKER: Before I ask the Court to  
9 bear with me while I read parts of that exhibit I  
10 would ask for a ruling from your Honor to be allowed  
11 to withdraw the original newspaper and substitute a  
12 photostat copy of it, the complete newspaper, in  
13 order to be able to withdraw the original from Court.

14 THE PRESIDENT: You have the Tribunal's  
15 permission to do that.

16 MRS. STROOKER: We will now read parts of  
17 exhibit 1299-A. At the top of page 1: (Reading)  
18 "Activate the Alliance.

19 "Shun Diplomatic Passivity.

20 "One cannot fail to be deeply stirred by the  
21 fact that a three-power alliance with Germany and  
22 Italy has been concluded an Imperial Rescript has  
23 been issued on the subject, and the road which lies  
24 ahead of Japan's millions has been made clear."

25 We will continue reading from the beginning of



1 the second paragraph from page two onward.

2 (Reading) "Indeed, from one point of view,  
3 as this treaty calls for our cooperation in establish-  
4 ing the new order of Germany and Italy in Europe, an  
5 additional responsibility is imposed upon us, and we  
6 have to make up our minds to this. Furthermore and  
7 in particular, as there are nations in the world  
8 desirous of maintaining the old system, there will  
9 be cases where obstruction is offered to the attain-  
10 ment of the common aims of the three-powers. "We  
11 must not count upon this not happening, but rather  
12 upon having to expect it, and the nation, with  
13 unswerving resolution, must make careful prepara-  
14 tions for this. Unfortunately, in recent years there  
15 has been a tendency for all sorts of conflicting  
16 opinions to arise within the country and for useless  
17 and indeed harmful friction and disputes to develop.  
18 If this sort of thing continues in the future, we  
19 shall certainly not be able to accomplish our mission  
20 in the world; indeed we should realize that the  
21 result might unexpectedly imperil the future of the  
22 Empire. If in the past there may have been a lack  
23 of clarity on some points, now, with the conclusion  
24 of this new alliance, the great objective for which  
25 we must strive, the unexampled task of founding a

1 new world order stands illuminated, as when a shaft  
2 of sunlight pierces a bank of cloud. Our people  
3 must not indulge in vain bickerings but stand  
4 foursquare, ready to burst through any barrier to  
5 the achievement of our aims. When a great work  
6 is undertaken, certain attendant risks are to be  
7 expected. This year is the 2600th year of the  
8 Imperial Dynasty. If we cast our minds back to the  
9 founding of the country in the distant days of  
10 the Emperor Jumu, or if we consider the two wars  
11 with China and Russia in more recent times, we  
12 realize that the **YAMOTO** race has never flinched  
13 from danger, but has gone steadily forward, staking  
14 its destiny on spreading the benefits of the Imperial  
15 Way. But never have resolute determination and  
16 firm courage been so necessary if our nation is to  
17 fulfill its mission as they are today."

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1 We will read the second paragraph on page 3:

2 "To return to the main argument, if there  
3 are some who consider the conclusion of the three-  
4 power alliance imposes an additional strain on  
5 Japanese-American relations, I think this opinion  
6 mistaken. Our mission to set up a new order in  
7 Greater East Asia and our determination to establish  
8 a relationship with the 'Southern countries' con-  
9 ducive to mutual harmony and prosperity, are already  
10 matters of long standing, and it cannot be supposed  
11 that the new alliance has given rise to them. Of  
12 course, in some circles in America, there are likely  
13 to be those who view the new treaty as a warlike  
14 challenge directed against America. But such feelings  
15 will certainly not arise in the minds of those who  
16 read the treaty with any composure. Furthermore,  
17 I suppose nobody knows better than America herself  
18 that Japan neither plans to attack America, nor is  
19 she prepared to do so. One cannot, therefore, avoid  
20 the conclusion that those who maintain this opinion  
21 either dislike the idea of a new order being established  
22 in East Asia, or have designs upon East Asia them-  
23 selves. And I feel we should have to face opposition  
24 from these people whether the treaty existed or not.  
25 Indeed, should the feeling arise in America that she



1 should obstruct our establishment of a new order in  
2 East Asia by force of arms, this alliance is more  
3 likely to have the effect of nipping such a sense-  
4 less idea in the bud."

5 I will continue reading on the top of page  
6 4:

7 "The treaty is now in writing. But its  
8 concrete realization is work for the future. The  
9 present state of the world being what it is, the  
10 treaty must be activated with all speed. And the  
11 first essential step to this is to complete our  
12 preparations for action rapidly. Now what concrete  
13 steps should we take with regard to our position of  
14 leadership in Greater East Asia under the treaty?  
15 We must establish a relationship of mutual harmony  
16 and prosperity with the Netherlands East Indies,  
17 French Indo-China, India, the South Sea Islands,  
18 etc.; we must then settle the relationship of this  
19 area with the new order in Europe; these are the  
20 points on which consultation with Germany and Italy  
21 is necessary. From the military point of view, too;  
22 cooperation is necessary between the nations of the  
23 East and the West. We must perfect a plan which  
24 will leave no gaps in the bonds of mutual cooperation  
25 between the three countries; and in the diplomatic

1 field, too; the three countries must march ahead in  
2 perfect concord to protect our common interests  
3 against any outside country. Furthermore, as the  
4 policy of Germany and Italy for prosecuting the war  
5 in Europe is so closely bound up with the establish-  
6 ment of a new order in East Asia, discussions will  
7 be necessary in this connection also. This being  
8 the case, there is a tremendous amount of preliminary  
9 work to be done with regard to a relationship with  
10 Germany and Italy, and within our own country itself.

11 "Of all things the one most to be avoided  
12 is passivity, allowing the other party to make the  
13 first move. Particularly in war and diplomacy is  
14 this prohibition absolutely imperative. Careful  
15 preparations must be made before the event; the  
16 world situation must be constantly watched; care  
17 must be taken to let slip no opportunities; situa-  
18 tions must be handled speedily and decisively. I  
19 believe that these must be the principles of our  
20 diplomatic policy from now on, and that with this  
21 in mind the people must stand solidly behind the  
22 government.

23 "The country's policy has already been  
24 clearly laid down, so anxiety about the matter is  
25 uncalled for; but if by any chance faith in this



1 alliance should waver, or if it should be mismanaged  
2 and the treaty become a dead letter, then not only  
3 will the dignity of the Empire be impaired, but also  
4 the task of setting up a new order will be made more  
5 difficult."

6 The Netherlands Indies were publicly included  
7 in Japan's Greater East Asia Co-prosperity Sphere in  
8 a speech before the 76th Session of the Diet by  
9 Foreign Minister Matsuo on 21 January 1941. This  
10 speech is contained in prosecution document 1204-E,  
11 which we now offer in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document  
14 No. 1204-E will receive exhibit No. 1300.

15 (Whereupon, the document above  
16 referred to was marked prosecution's exhibit  
17 No. 1300 and received in evidence.)

18 MRS. STROOKER: We will read only the last  
19 two paragraphs on page 3 of the English text.

20 (Reading) "Let me now make a brief survey  
21 of our relations with the Netherlands East Indies,  
22 French Indo-China, and Thailand, which lie within the  
23 above-mentioned sphere of common prosperity.

24 "The Netherlands East Indies and French  
25 Indo-China, if only for geographical reasons, should



1 be in intimate and inseparable relationship with  
2 our country. Therefore, the situation which has  
3 hitherto thwarted the development of this natural  
4 relationship must be thoroughly remedied and re-  
5 lations of good neighborliness secured for the  
6 promotion of mutual prosperity. With this in view,  
7 early in September last, the Government despatched  
8 Mr. Ichizo KOBAYASHI, Minister of Commerce and  
9 Industry, to the Netherlands East Indies as a special  
10 envoy. Mr. KOBAYASHI was obliged to return to Japan  
11 by circumstances preventing his prolonged sojourn  
12 abroad, when a definite stage had been reached in  
13 his negotiations with the Netherlands East Indies  
14 authorities concerning purchases of oil and other  
15 urgent questions. As his successor, the Government  
16 have recently sent to the Netherlands East Indies  
17 Mr. Kenkichi YOSHIZAWA, formerly Minister of Foreign  
18 Affairs. He had already resumed the negotiations  
19 with the Netherlands East Indies authorities."

21 We offer in evidence prosecution document  
22 2748-A, being a certificate from the Japanese Foreign  
23 Office, certifying prosecution documents 2748-A (1)  
24 to 2748-A (20), some of which will presently be  
25 introduced in evidence.

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document  
2 No. 2748-A will receive exhibit No. 1301.

3 (Whereupon, the document above  
4 referred to was marked prosecution's exhibit  
5 No. 1301 and received in evidence.)

6 MRS. STROOKER: We will not read this  
7 exhibit.

8 We offer in evidence prosecution document  
9 2748-A (11), a telegram from Foreign Minister  
10 MATSUOKA to the Japanese delegate in Batavia,  
11 dated 28 January 1941, to show that after public  
12 inclusion of the Netherlands Indies in the Greater  
13 East Asia Co-prosperity Sphere the Japanese Foreign  
14 Minister sent out instructions that the fact that the  
15 Netherlands Indies formed part of this sphere should  
16 henceforth not be publicly denied.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document  
19 No. 2748-A (11) will receive exhibit No. 1302.

20 (Whereupon, the document above  
21 referred to was marked prosecution's exhibit  
22 No. 1302 and received in evidence.)

23 MRS. STROOKER: We will read exhibit No. 1302:

24 "Telegram No. 2524

25 "January 28, 1941 7:00 P.M.



1 "A copy of a telegram from Foreign Minister  
2 MATSUOKA to Delegate YOSHIZAWA in Batavia.

3 "Concerning Delegate YOSHIZAWA's statement.

4 "Cipher Commercial Negotiation No. 24.

5 "Strictly Secret. Very Urgent.

6 "Concerning your telegram, Commercial  
7 Negotiation No. 33. It goes without saying that you  
8 should absolutely refrain from the usage of such  
9 expressions that would deny Japan's hegemony within  
10 the Greater East Asia Co-Prosperity Sphere when  
11 announcing to outsiders."

12 We offer in evidence prosecution document  
13 1632-W (47), the entry for 1 February 1941 in the  
14 diary of the accused KIDO, exhibit 178 for identifi-  
15 cation, to show that at that time Japanese expansion  
16 southward was considered the main problem facing the  
17 Japanese government.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document  
20 No. 1632-W (47) will receive exhibit No. 1303.

21 (Whereupon, the document above  
22 referred to was marked prosecution's exhibit  
23 No. 1303 and received in evidence.)

24 MRS. STROOKER: We will now read exhibit  
25 No. 1303:



"Entry from Marquis KIDO's Diary.

"1 February (Saturday) /1941/

"Fine.

"Went to the office at 10 A.M., and spoke with Premier KONOYE. Prince FUSHIMI, Chief of the Naval General Staff, Premier KONOYE and SUGIYAMA, Chief of the Army General Staff came to the Palace together. They were received in audience by His Majesty and reported in outline to the Emperor the policy towards French Indo-China and Thailand decided at the Liaison Conference between Imperial Headquarters and the Government on 30 January. It is a new precedent for the Chiefs of Staff, and the Premier to be received in audience by His Majesty and to report at the same time. Up to the present, important decisions of the Liaison Conferences have been reported to the Throne at Imperial Conferences, and other decisions individually by the government and Imperial Headquarters. However, this time as an intermediate way both parties have presented a report to the Throne at the same time. I was told that in this connection the Premier proposed that an Imperial Conference be held, but as the broad principle had already been approved by the Emperor, they asked Him in this way. At 10:10 the Chief Aide-de-Camp

visited me and spoke approximately as follows:

1           "Re the general principle of the policy  
2 towards French Indo-China and Thailand:

3           "The purpose of this plan is to establish  
4 the leading position of the Empire in French Indo-  
5 China and Thailand by utilizing the opportunity  
6 presented by their having accepted our arbitration,  
7 in order to contribute to the preparation for the  
8 Southward policy. The Navy aims to use Camranh Bay  
9 and the air bases near Saigon. But as this cannot  
10 be stated openly it has been decided to represent  
11 the action taken as aimed at the preservation of  
12 trade and communications, and security against war  
13 between French Indo-China and Thailand. In case  
14 military force is to be used to attain the objective,  
15 it has been decided to ask the further approval of  
16 the Emperor.  
17

18           "At 11:30 Prince KONOYE came to my office  
19 after having been received in audience by His  
20 Majesty and we talked about policies and other  
21 matters.

22           "At noon Foreign Minister MATSUOKA came to  
23 my office after having been received in audience by  
24 the Emperor, and spoke approximately as follows:  
25

          "When the broad policy towards French



1 Indo-China and Thailand was decided, the Army  
2 planned to limit the time to the end of March,  
3 but he had opposed it as being impossible, and had  
4 made the Army cancel it. He intends to conduct  
5 future diplomacy on the following lines as reported  
6 today to the Emperor. It is assumed that the  
7 liaison conference on the third will decide on the  
8 plan which he will take with him on his visit to  
9 Germany and Soviet Russia. He will shortly visit  
10 Germany and find out the actual state of German  
11 policy towards Britain from HI/ T.N. Hitler/,  
12 R I/ T.N. Ribbentrop/ and others, and he will make  
13 full arrangements with them. At the same time he  
14 would like to adjust our relations with the Soviet  
15 Union and to contrive a general peace with China  
16 by the end of April. Then he intends to concentrate  
17 our whole strength toward the South. Without a  
18 solution of the Southern question, no real solution  
19 of the China Incident can be attained; therefore,  
20 the Southern question is an important one, one on  
21 which the nation's fate hangs. For this reason, he  
22 continued, it would be necessary to bring about a  
23 state of things which would enable the whole energy  
24 of the nation to be concentrated on it. And so forth.

25 "At 7:30 P.M. Mr. Genki ABE called on me and



1 we talked."

2 .We respectfully call the Tribunal's attention  
3 to court exhibit 571, being a report of a conversa-  
4 tion between the German Foreign Minister and the  
5 accused OSHIMA on 23 February 1941, during which the  
6 principles for the construction of Germany's and  
7 Japan's spheres after the war were discussed.  
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1 We offer in evidence prosecution document  
2 4038-D, being a memorandum for the German Foreign  
3 Minister concerning German-Japanese economic relations  
4 during and after the war. As this document is in the  
5 German language only those parts on which the prosecu-  
6 tion intends to rely have been translated.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document  
9 No. 4038-D will receive exhibit No. 1304.

10 (Whereupon, the document above  
11 referred to was marked prosecution's exhibit  
12 No. 1304 and received in evidence.)

13 MRS. STROOKER: We will now read exhibit  
14 No. 1304:

15 "Berlin, 21 March, 1941

16 "Notes on German-Japanese Economic Questions  
17 for the Conversation with the Japanese Foreign Minister.

18 "2 (b). Raw Material Orders through Japan.

19 We shall have to buy raw materials from third countries  
20 through Japan and get them into Germany, e.g. rubber and  
21 tin from the Netherlands Indies and Thailand; wolfram  
22 from South China; tin from Bolivia. For this purpose  
23 we are ready to place foreign bills of exchange at the  
24 disposal of Japan. Thus far, in deference to England  
25 and America, and because of her own supply situation



1 and lack of tonnage, and so forth, Japan has done little  
2 in this direction. But even where such reasons did not  
3 exist, bureaucratic restraints and involved procedural  
4 regulations have produced difficulties and delays.  
5 On the basis of a promise by MATSUOKA, the Wohlthat  
6 Delegation should probably be able to obtain improve-  
7 ments.

8 "We are likewise counting on Japanese help with  
9 blockaderunners and auxiliary cruisers for the  
10 transportation of such raw materials to Germany.

11 "2 (e). New Form of Economic Relations after  
12 the War. According to the German conception, the great  
13 possibilities which exist for the new order of economic  
14 relations between the European-African economic sphere  
15 under the leadership of Germany and Italy and the  
16 Greater Asiatic economic sphere under the leader of  
17 Japan can only be fully realized if matters are carried  
18 out in a grand manner. For this reason the freest possible  
19 trade exchange should take place. As a matter of principle  
20 one should reserve to oneself preferences over third  
21 countries. Over-centralization with its unavoidable  
22 hindrances should be shunned. Rather, Japan should be  
23 able to carry on business and make trade agreements  
24 directly with the independent countries in the German-  
25 Italian Sphere, and conversely, Germany and Italy with



1 the independent countries in the Japanese Sphere. On  
2 the other hand, the Japanese conception according to  
3 previous statements of government representatives  
4 in Tokyo is that Germany should have trade dealings with  
5 countries like China, Indo-China and also the Nether-  
6 lands Indies not directly, but only through Japan.  
7 No fundamental aggravation of this question has yet  
8 occurred, as we have been dependent anyway on Japanese  
9 support in imports in our trade during the war with the  
10 countries mentioned.

11 "Hereby offered through the State Secretary  
12 to the German Foreign Minister.

13 "Signed Wiehl"

14 We respectfully call the Tribunal's attention  
15 to Court exhibit 580, being a report of a conversation  
16 between the German Foreign Minister and the Japanese  
17 Foreign Minister on 29 March 1941, in which once again  
18 an attack toward the South and the construction of  
19 German and Japanese spheres of domination were discussed  
20 and during which the Japanese Foreign Minister expressed  
21 his fear that if Japan attacked the Netherlands Indies  
22 the Netherlands Indies' oil fields would be set on fire.

23 We offer in evidence prosecution document  
24 2137-F, a decision by Imperial Headquarters in April  
25 1941. This is one of the group of documents included

1 in prosecution document 2137, which has heretofore been  
2 marked exhibit 540 for identification.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document  
5 No. 2137-F will receive exhibit No. 1305.

6 (Whereupon, the document above  
7 referred to was marked prosecution's exhibit  
8 No. 1305 and received in evidence.)

9 MRS. STROOKER: We will now read exhibit No.  
10 1305:

11 "'COVER'"

12 "Separate Document 13

13 "Determined by Army and Navy Department, Imperial  
14 Headquarters, in early April, SHOWA 16/1941/.

15 "Gist of Imperial Headquarters, Army and Navy  
16 Department Policy concerning Measures to be taken in the  
17 South.

18 "Determined by Imperial Headquarters, in early  
19 April SHOWA 16/1941/.

20 "I. The aims of the measures to be taken by  
21 the Empire in the South are to promote the settlement  
22 of the China Incident as well as to expand our overall  
23 national defensive power in the interests of self-  
24 existence and self-defense.

25 "For these purposes,



1 "1. To establish close and inseparable joint  
2 relations in military affairs, politics and economy  
3 with French Indo-China and Thailand.

4 "2. To establish close economic relations  
5 with the Netherland Indies.

6 "3. To maintain normal commercial relations  
7 with the other various countries in the South.

8 "II. The foregoing purposes shall, on  
9 principle, be accomplished through diplomatic measures.

10 "III. In executing the foregoing measures  
11 resort to arms in the interest of self-existence and  
12 self-defence will be taken only when the following instances  
13 should occur and when no means for solution of same can  
14 be found:-

15 "1. In case the Empire's Self-existence should  
16 be threatened by the Embargoes of the United States,  
17 Great Britain and the Netherlands.

18 "2. In case the situation of the Anti-Japanese  
19 encirclement by the United States, Great Britain, the  
20 Netherlands and China becomes so tense that it cannot  
21 be tolerated in the interests of national defense."

22 In June 1941, the Japanese attempts to obtain  
23 a foothold in the Netherlands Indies, on which subject  
24 evidence will be presented hereafter, had failed. The  
25 next four documents will show that preparations were



1 made to occupy bases in the southern part of French  
2 Indo-China, needed for a military advance into the  
3 Netherlands Indies.

4 We offer in evidence prosecution document  
5 2137-H, a further document from exhibit 540 for identi-  
6 fication, being a decision of the Liaison Conference  
7 between the government and Imperial Headquarters dated  
8 25 June 1941.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document  
11 No. 2137-H will receive exhibit No. 1306.

12 (Whereupon, the document above re-  
13 ferred to was marked prosecution's exhibit  
14 No. 1306 and received in evidence.)

15 MRS. STROOKER: We will now read exhibit No.  
16 1306:

17 "Re Acceleration of Measures in the South

18 " Decision of Liaison Conference. "

19 "25 June 1941/Showa 16/

20 "(Memorandum)

21 "Decision of the Imperial Headquarters-  
22 Government Liaison Conference, 25 June 1941/Showa 16/

23 "1. In view of the various existing conditions,  
24 the Empire shall, in accordance with its fixed policy  
25 accelerate its measures towards French Indo-China and

1 Thailand. Expecially, in connection with the return  
2 of the Japanese Delegate from the Dutch Indies, a  
3 military union shall be established with French Indo-  
4 China as soon as possible for the purpose of the stabil-  
5 ity and defence of East Asia.

6 "Concerning the establishment of joint military  
7 relations with French Indo-China, the essential factors  
8 which the Empire should stress upon are as follows:-

9 "a) The establishment or use of Air Bases and  
10 Harbour Facilities in specified areas in French Indo-  
11 China, and stationing of the necessary troops in the  
12 southern part of French Indo-China.

13 "b) Furnishing of facilities in connection  
14 with the stationing of Imperial troops.

15 "2. To open diplomatic negotiations for the  
16 purpose of the preceding paragraph.

17 "3. In case the French Government or the  
18 French Indo-China authorities do not comply with our  
19 demands, we shall attain our objective by force of arms.

20 "4. In order to deal with such circumstance  
21 as mentioned in the above paragraph, preparations shall  
22 be commenced beforehand for the despatching of troops."  
23  
24  
25

1           The Tribunal's attention is invited to  
2 exhibit 639-A, a telegram from Bangkok to Berlin,  
3 dated 4 July 1941. With the Tribunal's permission we  
4 will read the heading and one paragraph of this  
5 exhibit:

6           "To be kept under lock and key.

7           "Telegram (Secret Cipher Process)

8           "Bangkok, July 4, 1941 - 1:05 o'clock

9           "Received July 4, 1941 - 20:10 o'clock

10          "No. 169 of 7/4                      Urgent

11          "Secret Affair of the Reich.

12          "Likewise for the Attache Division of the  
13 High Command of the Army and Naval High Command.

14          "The Japanese Secretary of Embassy, Furuuchi  
15 des Gaimusho, who is on an orientation journey,  
16 confidentially informed the Military Attache:"

17          We will now read paragraph 3:

18          "3) Failure of Japan's economic negotia-  
19 tions with the Netherlands-Indies would oblige her  
20 to take over the oil resources there by force, since  
21 her fleet would otherwise be incapable of action.  
22 Prior to this there is to be a Japanese military  
23 occupation of Indo-China in order to procure a con-  
24 centration area and jumping-off ports against the  
25 Netherland-Indies. The occupation of Thailand is



1 not envisaged. The preparation and the carrying  
2 out of the operations is to be made by the staff  
3 of General USHIROKU on the South China Front, in  
4 Canton. Conduct of the English forces in Singapore  
5 is considered to be purely defensive."

6 We will read the last few lines of the  
7 telegram on page 2 of the exhibit:

8 "A telegram of the same tenor was sent to  
9 Tokyo.

10 "Schol

11 "Thomas

12 "Note: Through the telegraph office expedited  
13 to the Code Sender of the High Command of the Wehr-  
14 macht and the Naval High Command.

15 "Telegram Ktr. - July 5, 1941."  
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1           The Tribunal's attention is invited to  
2 exhibit 588, being a document containing the resolu-  
3 tions adopted through the Imperial Conferences of 2  
4 July, 6 September, 5 November and 1 December 1941.  
5 In the Imperial Conference of 2 July 1941 the principle  
6 of Japan's policy was laid down in three points:

7           1. Japan would adhere to the principles  
8 of establishing a Greater East Asia Co-prosperity  
9 Sphere regardless of any change in the international  
10 situation.

11           2. Japan would step up the southward advance  
12 in order to establish for herself a basis for self-  
13 existence and self-defense.

14           3. Japan would remove all obstacles for the  
15 achievement of the foregoing purpose."

16           THE PRESIDENT: Mrs. Strooker, my colleagues  
17 and I who have heard you assure you that we regard you  
18 as a distinct acquisition to the Bar of this Tribunal.

19           MRS. STROOKER: Thank you, your Honor.

20           THE PRESIDENT: We adjourn now until half  
21 past nine tomorrow morning.

22                   (Whereupon, at 1600, an adjourn-  
23 ment was taken until Wednesday, 4 December,  
24 1946, at 0930.)

25                   - - - -